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South African.

No. 1.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 10, 1879.)

High Commissioner's Office, Maritzburg, Natal,
November 30, 1878.

SIR,

REFERRING to my Despatch of the 25th instant,* relating to the final operations on the desert border by the Griqualand West volunteers, and a detachment of Imperial mounted infantry, I have now the honour to transmit a map showing the scene of the operations, and an extract from a letter from Colonel Warren, together with a Minute by his Excellency the Lieut.-General Commanding on the same subject.

2. His Excellency the Lieut.-General has so accurately expressed my own views as to the able manner in which the operations were conducted, and the soldier-like behaviour of the volunteers under Colonel Warren, that I do not think it necessary to do more than express my concurrence in his Excellency's opinion.

3. I also enclose a copy of a Despatch from his Excellency Colonel Lanyon referring to the steps which have been taken to provide for the women and children rendered destitute by being deserted by their people during the late disturbances in Griqualand West.

I have, &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State
for the Colonies.

Enclosure 1. in No. 1.

EXTRACT from Letter from COLONEL WARREN, Commanding Troops during final operations on Desert Border.

* * * We have had a most successful campaign, and I may say without doubt that the war is at an end, so far as Griqualand West is concerned; and what now remains is to establish peace on such a footing as will make it lasting, and enable the province and the territories we are now in rapidly to develop into the prosperous position I feel certain they must at no distant time occupy.

The enemy commenced this campaign by attacking our advanced party at Moss Fontein, their programme being to capture or to burn down and destroy Griqua Town, then Campbell and then Kuruman; but they were gallantly met by Captain Back and the "A" troop of the Diamond Fields Horse, and driven back with considerable loss.

I am of opinion that this was the turning point of the whole war; up to this time the rebels had deluded themselves into the idea that they could drive the white man out of the country, as they heard had been done by the Gaikas in the Colony. With this in view they had hitherto left all the farmhouses, standing with the intention of occupying themselves; but now they burnt down all the white men's houses, feeling that they were losing ground.

We were coming up with the main body of the field force, in three columns, when the attack on Moss Fontein was reported, and we marched on without delay to the Langeberg, towards Surrumanning, where the enemy were reported to be in force. There was little water on the route, and we suffered severely from want of it, but managed to get our oxen and horses through without loss. On arrival we found they had deserted Surrumanning and ensconced themselves at Lithlow (or Liklong) in Makilokue's Mountain. Another long march over the desert brought us there, only to find that they had retired and concentrated all their forces in a large basin (Gamgajana), in the centre of Makolokue's Mountain, with its outlet to the west.

* No. 29 of [C.-2222] of 1879.

There were here reported to be the Gaikas, under Donker Malgas and Vintuuaai; Griquas under Gamga; Korannas; Bushmen, Ballaros, under Sampu, and rebels of other tribes.

I made a reconnaissance in force from Liklong, and found the enemy to occupy the whole of this basin, four miles in length, and far too numerous for us to attempt to surround with our force, which did not number 500 men, the enemy numbering, as far as can be ascertained, about 1,400. I learnt the strength of their position accurately, for I took a small party of 100 men over the hills, right down into one of their kloofs at sunset on the 11th October, while other portions of our party were engaging the enemy on either side of the mountains, and slept among the waggon, of which we made a laager, for the night. At dawn we passed smartly out between their lines before they had time to concentrate, and went on to camp. We thus saw the great strength of their position. The enemy thought we had only gone back for reinforcements, but instead of doing this and attacking them when they were ready for us, and when we must have lost at least 30 men, I took the whole force straight to the eastern side of the mountain to Golatsw, a kloof opposite to Gamagiana, and arrived there on the afternoon of 13th October. I should mention that on the previous day a portion of our force had a severe and successful engagement with the enemy in a kloof on the eastern side.

At sunset, on the 13th, I went up to the brow of the mountain, over 1,000 feet in height, separating Golatsw from Gamagiana, and then could see the enemy busy preparing for the fight in the morning, making their "scances" towards the mouth of the basin. I arranged then to attack with our whole force from Golatsw, and to get a field piece up to the top of the hill, if all our resources could manage it.

At 3 a.m. on 14th October we started with the 7-pounder, and by the great exertions of our whole force we managed to get it into position at 10 a.m. The enemy, on observing us, hastily tried to alter their disposition of troops, and took possession of a long line of krantz for about two miles, which appeared to be almost impregnable, with the low lying hills between it and us. The "A" and "B" troops (dismounted) were sent out to the right to outflank the enemy, and in their turn they sent out in force to outflank these two troops, but we plunged in shells in front of our troops as they advanced, and prevented the enemy from making an injurious attack.

They then attempted to crown a knoll at the mouth of the krantz which would have been very difficult for our troops to have taken; here, again, at 1,700 yards, we plunged in shell, until our men had fairly possession. Then the remainder of our force was sent out, troop by troop, in line to drive back the enemy, and gradually they retired upon the krantz, which they ought to have held at least till the following day, but they had evidently lost heart by finding we had so completely turned their position, and for the first time since we had been in action with them they failed to show the sturdy resistance we had hitherto encountered. On our line charging up towards the krantz they evacuated it and fled in all directions, and at 4 p.m. we were in possession of the Gamagiana basin with 22 waggon and 900 head of cattle. The enemy fled in haste, leaving behind their old people, lame and blind; these we collected and brought into camp, together with the prisoners we had taken in arms.

I remained a few days making constant patrols around the mountains, taking many prisoners, and then arranged to go to Kuruman, but first saw Mokolokue, who stated that he ceased to obey him, and that he had no power to keep it in order.

I collected all the Ballaros together against whom there was no charge, and registered them and detailed them to certain lands and villages with directions to commence ploughing at once, so that the season might not be lost. These natives all expressed themselves pleased to come under British protection, and to be rid of the Gaikas and the Griquas. These have gone into the desert towards the Orange River to Klaas Lucus, and were met halfway there by a Kafir, who reports that they were much exhausted, but that the Griquas still announced that they would yet beat the white man on the islands of the Orange River, and had no desire to surrender.

Some of the enemy trekked north, I therefore sent Mr. Bethell to Kuruman, and he in company with a small party of mounted men went down the Kuruman River and caught these rebels just as they were coming on their way to Moroquin. Some of the waggon had stuck in the desert and would not get in, and the women and children were dying of thirst. Our party took a waggon with water and rescued them.

Several of these Griquas are leading men, and were all well armed with superior rifles. Among others is Lucas Kok, for whom there is a Government reward of 100*l*.

We here brought in a large number of women and children; all these I have handed over to their relatives about Kuruman, who have promised to provide for them.

I have established police from among the natives in the several villages, and they seem to understand their work very quickly, and to do their work well.

It appears to be quite an experiment in this part of South Africa, hitherto the natives have been treated as aliens or complete children. I believe these Ballapins, Barolongs, and Ballars to be greatly in advance of the Gaikas in civilisation and intelligence, and to be ready for a treatment which cannot be extended yet to the naked Kafir of the south-east of the Colony.

At Likatlong I organised a force of ten policemen from among the villages, where their loyalty was supposed to be doubtful, under the impression that it would tend to confirm their loyalty.

In the same way here, I have taken rebels, Basutos, who have fought against us and since given themselves up, and have enrolled them to act as guards on our prisoners, waggons, and placed arms in their hands; the result as yet is most satisfactory; waggons and prisoners have been sent entirely in their charge from one place to another in safety. It may be a hazardous experiment at first, but I feel sure it will have a good effect. The people are pleased to find their newly-assumed loyalty accepted as genuine, and are struck by the security shown by the white man, when he can feel strong enough to employ the rebel of yesterday as his provision guard of to-day.

The time has at last arrived when we can settle the people down, and I am so apprehensive lest the season may pass on without the requisite amount of seed being sown, that I have issued a notice calling upon all persons hidden away and marauders to come in at once and give themselves up. This is to be issued in Sechuana, and printed at the institution of Kuruman. Mr. Mackensie is also going to revise a Sechuana newspaper, which was commenced and abandoned 19 years ago, which I believe will be of the greatest service in keeping the people well informed of the correct course of events, instead of leaving them entirely to the belief in the fabrications of their headmen, who have distorted the facts concerning the war most grossly.

Already a case of "land jobbing" has commenced on the part of Mr. Metrovich, whom I have several times reported for malpractices in land matters at Griqua Town. I had, before I heard of this, arranged for the removal of Mr. Metrovich from the territories, as his presence here is a constant source of irritation to the natives; and he declared himself that he considered his life unsafe, unless he was protected by troops. It is the class of men like Mr. Metrovich who cause the difficulties among the native tribes on our borders, and make them wonder how British law can be just, when such men are allowed to ruin them without any chance of redress.

I have issued a notice, that while there is military occupation of these parts, and pending the just and lawful settlement of the land question, no sales of land or houses are to take place without the sanction of the officer commanding the field force.

This is to prevent land jobbers coming up here to buy up all the land at low prices, and to ruin the natives, as they have been ruined in Griqualand West.

I have alluded in my reports to Colonel Lanyon to the chance of a famine in the land, and difficulties in this respect have arisen sooner even than I had anticipated. I find the Basutos here, who fought at Whithuis Kloof and Gomapisi, nearly destitute and without means of subsistence. After several conversations with them, I have proposed to send them to Daniel's Knil, to give to their charge a certain number of the cattle of the Prize Committee (to whom I could personally guarantee the value of the cattle), and to give them some old ploughs and mealies for seed. This is only one case, and to carry it out I shall make myself liable to the amount of 300*l.* to 400*l.*

It is a subject which I think the Government will be obliged to take up at once, as the people cannot be allowed to starve. The Basutos all say that they were ordered by the Gaikas to turn out and fight against the white man, otherwise they would all be considered as white men and murdered, and they were foolish enough to believe that the Gaikas were strong enough to overrun the country and to take Kimberley.

I may mention another case. Some cattle were stolen from here and were traced to a kraal, and the delinquents taken and punished; after this I sent for these men and told them they must steal no more. They replied "that they had been fighting against us" at Takoon, and had then lost everything; that they had since been stealing from both "Kafirs and white men to provide food, and that they could not promise not to steal any more. That they knew they deserved the punishment they had got, but they would probably be punished again, as they must live." They spoke out openly like men; it was most pleasing to find them so frank. I then proposed to send them to Kimberley to work, but here another difficulty arose. One young man said he would go, but the others said they could not go anywhere; they could not take their wives and children, otherwise they would starve. We cannot let them go back again to steal, and have no

means of providing for them. I can only see at present two ways out of the difficulty—either to furnish a certain sum for public works in this territory, such as opening up springs, making furrows, sinking wells; or else to send the men with their families to the farmers of Griqualand West and the Free State, who are much in want of labour, and who would be glad to receive them.

The Rev. J. M. McKensie, the director of this institute, is a man of extended views, and it is a great advantage to be able to converse with him on the difficulties with which we shall have to contend in settling the country. It think it very fortunate that he should have been here throughout this war.

I am very much pleased with the natives of these parts; they are so much more advanced than any I have hitherto met with, and are so frank in their conversations, now that they realize we do not carry on war in the olden style practised up here.

It appears to me, looking at the matter hastily, and provided that it does not interfere with political arrangements, that a most prosperous state would be formed by the junction of these territories to Griqualand West, and I think that by the development of the system of native police, which has already been initiated, that the administration would not be expensive. Hitherto the people have been in the hands of land jobbers and law agents.

Roughly speaking, all the tribes within the boundary of the Molopo would be glad to come in under British rule, taken in its proper sense, and not as administered under Mr. Roper at Griqua Town. Two rules, however, would require to be enforced, namely, the prohibition of the sale of spirits to the natives, and the protection of their interests against the wiles of the land agents.

I have reported that the whole country can be settled by the end of November, and the white farmers may all return in safety to the province. By Christmas, I have no doubt, this country will be in a state of security it has never been before.

I fear I have made this letter too long, but the whole subject is so interesting that I feel sure you will be glad to hear about it; hitherto I have felt doubtful about the prospect of this country, but I now can see clearly how it can be made prosperous and rapidly developed.

I have, &c.
(Signed) CHARLES WARREN.

Enclosure 2. in No. 1.

SIR,

Kimberley, November 18, 1878.

I HAVE the honour to transmit for your Excellency's information a copy of a report from the Acting Resident Magistrate of Kimberley and the Registrar of Natives, stating what action was taken by them for indenturing destitute women and children, who, having been deserted by their people on account of their rebellion, were brought in from the various out districts which were visited by the field force.

I may mention, for your Excellency's information, that these women and children were not taken as prisoners of war, but merely brought in to Kimberley to be provided for.

Those who had relatives or friends who were able and willing to support them were handed over to them, for your Excellency will perceive from the report that the children were not separated from their parents, unless with their approval or consent.

I feel sure that the indenturing of these people will prove beneficial to themselves by bringing them to know the European, and training them in the ways of civilisation, even though it be for only a short time. It will also teach the young children domestic habits, and this alone may have a great effect hereafter towards the peace of the province.

Great care has been taken to provide for the welfare and usefulness of these destitute people, and I trust that the action taken by the Government in this matter will meet the approval of your Excellency and the Secretary of State.

I have, &c.
(Signed) W. OWEN LANYON,
Administrator.

Governor Sir H. B. E. Frere, Bart.,
&c. &c. &c.

SIR,

Kimberley, September 2, 1878.

WE have the honour to report for the information of his Excellency the Administrator, that according to instructions received from the Executive Council, dated



LANGEBERG
BETWEEN
COBETSI AND JAMJIANA.

Illustrating Action of 14.10.78.

1:25,000

British Forces
Gqosus and Kofirs

16th July 1878, with reference to certain destitute women and children brought to Kimberley from Griquatown and other places, we opened a list, and received in a few days no less than 821 applications, being 298 in excess of the number of servants at our disposal, namely, 253 females, 200 children under five years, and 73 children of ages ranging from six to 15 years.

The total number of applicants who obtained servants was 269; the female adults mostly were contracted for the period of one year, at 10s. per month, with board, lodging, and clothing found by the employer. The children in no instance were separated from their parents, except in peculiar cases, where the mother wished and allowed them to go to other masters.

There are still left in the Government compound 11 women either very old or badly diseased, with five children, also one woman in good health but with a badly diseased child.

We have also to report, in reference to the 14 lads who arrived here with the men prisoners of war, and concerning whom we received instructions, that they have all been duly contracted to different masters, the consent of the fathers or natural guardians (where possible) having been first obtained.

Taking into consideration the deplorable state in which these women and children were when given out, it is surprising that they were taken for service at all, but owing just then to the scarcity of labour in Kimberley and Du Toits Pan, house boys not being obtainable except at very high rates. Females as house servants were in great demand, and 500 or 600 more could have been easily placed on the same terms.

We have, &c.

(Signed) J. L. TRUTER,
Acting Resident Magistrate.
W. J. COLEMAN,
Pro. and Reg. of Natives.

Enclosure 3. in No. 1.

MINUTE by His Excellency the Lieutenant-General Commanding on final operations on Desert Border by the Griqualand West Colonial Forces.

Pietermaritzburg, November 25, 1878.

The final operations of the Griqualand West Colonial forces on the desert border appear to have been carried out with good judgment and great determination.

I am very glad to hear that Captain Brunker, Lieutenant Davis, and the Imperial mounted infantry have been of assistance to the Colony.

I am glad to have this opportunity of expressing the satisfaction I have felt during the time of the Griqualand West disturbances in reading of the patriotic and soldier-like spirit which has been shown under very trying circumstances by the several volunteer corps there engaged. Griqualand West has every reason to be proud of her volunteer soldiers, who by their respect for discipline, and by their determination to remain in the field until their work was completely finished, have enabled the Government to put down satisfactorily a very troublesome rebellion.

I have, &c.

(Signed) CHELMSFORD,
Lieutenant-Governor.

No. 2.

LIEUTENANT-GOVERNOR SIR HENRY BULWER, K.C.M.G., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 25, 1879.)

Government House, Pietermaritzburg, Natal,
December 21, 1878.

SIR,

I HAVE received your Despatch of the 21st September last,* acquainting me that under the present altered circumstances of South Africa it is, in your opinion, desirable that the system under which the Lieutenant-Governor of Natal has hitherto addressed his communications direct to the Secretary of State, and received also his instructions direct from Her Majesty's Government, should be changed, and that, in future, the Lieutenant-Governor should address himself to Her Majesty's High Commissioner, instead of to the Secretary of State, in all important matters relative to native

* No. 58 of [C.-2220] of Dec. 1878.

affairs, or to any subjects not entirely connected with the purely internal administration of Natal.

2. While there appear to you to be strong reasons in favour of the early establishment of such an arrangement, you are pleased to desire an expression of my views and opinions on the subject before giving me any definite instructions.

3. I proceed accordingly to consider the position of the Lieutenant-Governor of this Colony in respect of the change which is proposed, and the question of the change itself.

4. Up to the year 1856, the Lieutenant Governor of Natal was subordinate to the Governor of the Cape of Good Hope.

5. In 1856, this system was changed. Natal became a distinct and separate Colony. A royal charter was granted to the Colony, under which it was provided that the Government should be administered by a Governor duly commissioned, or in the event of his death, incapacity, or absence, or "if no Governor should have been commissioned," by a Lieutenant-Governor appointed by warrant under Sign Manual, &c. It was further provided that in the latter case all the powers, directions, and authorities given and granted to the Governor under the charter should be given and granted to the Lieutenant-Governor.

6. Since then no commission appointing a Governor for the Colony has ever been issued, but the Government has been administered by a Lieutenant-Governor duly appointed under the charter, and exercising all the full and independent powers and authorities of a Governor. This has been so under the charter, and under the commissions appointing the several Lieutenant-Governors, in which the Lieutenant-Governor is expressly authorised and required to exercise and perform all things belonging to his command, according to the powers, directions, and authorities given and granted to the Governor for the time being of the Colony by existing letters patent, and according to instructions accompanying his commission, and all such further instructions as should thereafter be given by Her Majesty under Sign Manual, or by Order in Council, or through one of Her Principal Secretaries of State, &c.

7. I apprehend, therefore, that the proposed change, under which the Lieutenant-Governor of Natal, hitherto having all the full and independent powers of a Governor, would become subordinate, wholly or in part, to the Governor of the Cape of Good Hope and High Commissioner, whether in his capacity as Governor of the Cape or in that of Her Majesty's High Commissioner, in a mode somewhat analogous to that now or formerly regulating the relations between the Lieutenant-Governors of the Windward and Leeward Islands (West Indies) and the Governors-in-Chief, cannot duly be brought into effect without some alteration in the existing instruments, under which the Lieutenant-Governor holds office and exercises the full powers and authorities of a Governor. It would not, I presume, be at all necessary to touch the charter; but it would probably be necessary to alter the commission, and perhaps the best course would be for a commission to be issued under the charter appointing the Governor of the Cape and High Commissioner to be the Governor also of the Colony of Natal, and a further commission or warrant could be issued appointing a Lieutenant-Governor to hold the office during the absence of the Governor.

8. The correspondence of the Lieutenant-Governor, holding as he would then do a subordinate office, might be regulated by the rules laid down for the guidance of "officers administering subordinate governments" (Colonial Regulations, Cap. VII., Sect. II., Rules 189 to 196).

9. Coming now to the consideration of the expediency of introducing this change in respect of the Government of Natal, I have the honour to submit that, in my opinion, the position of affairs in South Africa has been so altered by recent events, and more particularly by the annexation of the Transvaal and by the circumstances consequent upon that act, that it is of the highest importance the Governor of the Cape and High Commissioner, who is the chief representative of Her Majesty's Government in South Africa, should be cognisant of and should exercise a certain supervision and control over all matters of public and general concern affecting any or all of the British communities in South Africa.

10. The inconvenience of the Government of Natal being in a subordinate position was, I believe, felt in the early years of the Colony, it being separated from the seat of the Government of the Cape Colony by a great distance and by infrequent communication; its interests, owing partly to its peculiar situation, being altogether independent of those of the Cape, and the questions with which it had to deal often requiring to be dealt with at once and on the spot, without the delay attendant upon previous communication with the Cape. But most of the conditions which formerly made it necessary that the Colony of Natal should be a separate and distinct Colony, and its Government a separate and distinct Government, have been, or are rapidly becoming, changed.

There is now frequent and regular inter-Colonial communication by sea. Railways are being pushed forward both in the Cape Colony and in Natal, and telegraphic communication has been established between Cape Town and Pietermaritzburg, and in the course of a few months will be carried to Pretoria in the Transvaal.

11. The proposed change of system, therefore, in the administration of the Government of this Colony, which a few years ago would probably have been attended with much inconvenience, could now be carried out with probably little or no inconvenience, and the change is one which, securing as it would do a more certain uniformity in control and in action, is most certainly desirable, if only for that reason. In point of fact the necessity for some such change as this was recognised in Lord Carnarvon's Confederation Scheme; it is one of the principles of that Scheme, and the change is worked out, in the provisions of the Scheme, by means of a Union Parliament and a Union Government.

12. Whether, if a confederation of the South African Colonies and communities, or of any of them, is likely to take place immediately, that is to say, within the space of 12 months or thereabouts, it is worth while to make the proposed change in the Government of Natal is perhaps a question.

But should confederation be a remote contingency (which, however, I do not contemplate), or should it be likely to be delayed for any length of time in excess of 12 months (which may possibly be the case), then, I believe, the change proposed might be carried out with much advantage.

13. In the meanwhile the Lieutenant-Governor might communicate to his Excellency the High Commissioner, for his information, either by transmitting them under flying seal, or by furnishing copies of them, all the Despatches addressed by him to the Secretary of State touching native affairs, the regulation of trade and commerce, postal and telegraphic service, and other principal matters, such as it is contemplated by the Act will come under the supervision of the Union Government and Union Parliament. This latter arrangement I shall be prepared at once to give effect to, should it suit the convenience of the High Commissioner.

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.

The Right Hon. Sir Michael Hicks Beach, Bart.,
&c. &c. &c.

No. 3.

LIEUTENANT-GOVERNOR SIR HENRY BULWER, K.C.M.G., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 30, 1879.)

SIR,
Government House, Maritzburg, Natal,
December, 28, 1878.

I HAVE the honour to enclose for your information, copy of a correspondence showing what has passed in this Colony on the subject of confederation since the date of my Despatch to the Earl of Carnarvon of the 13th November 1877.*

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.
The Right Hon. Sir Michael Hicks Beach, Bart.
&c. &c. &c.

Enclosures.

SIR H. BULWER to SIR H. BARTLE FRERE.

SIR,
Government House, Maritzburg, Natal,
November 13, 1877.

WITH reference to my letters to you of the 8th instant, I have the honour to forward to you copies of a Despatch (Secretary of State, 4th October 1877)† I have received from the Secretary of State on the subject of a conference for the purpose

* No. 16 of [C.-1980] of March 1878.

† No. 15, *ibid.*

of considering the question of confederation, and of my Despatch (Sir H. Bulwer, 13th October 1877) in reply to the same.

Governor Sir H. B. E. Frere, Bart.
&c. &c. &c.

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.

SIR H. B. FRERE to SIR H. BULWER.

Government House, Cape Town,
May 13, 1878.

SIR,

I HAVE the honour to forward to you a copy of the Governor's speech at the opening of the session of Parliament of the Cape Colony on the 10th instant, and would beg to draw your attention to that paragraph which relates to the subject of a confederation of the Colonies of South Africa.

Should nothing unforeseen occur to alter their present intentions, it is probable that towards the close of the present session my ministers will be in a position to take further steps to assist in the assemblage of a conference on the subject.

I mention the subject thus early because it may enable you to bring the question before your Council, to select the delegates who will represent Natal in any conference on the subject, to discuss their instructions, and to make other preparations for deputing them to the place where the conference may be held.

As regards the latter point, I should be glad to be able to summon them at Cape Town, and I think it would be an advantage if the members who will attend could come here before the present session closes. The Cape Parliament will be an important factor in all that is to be considered by any conference, and it will be an advantage for anyone attending to have the means of judging, from personal observation, of the present composition and capacity of the assembly.

As regards the subjects which the conference will have to consider, they are sufficiently indicated by the Act passed by the Imperial Parliament last session. Whether the objects of confederation can be best attained by amalgamating or confederating the separate territories inclined to join the union is a question which can hardly be discussed till some progress has been made towards an understanding regarding the future management of measures of defence or military finance, and our relations with neighbouring native tribes and states.

The other subjects which Lord Carnarvon's Act proposes to preserve to be dealt with by the Central Legislature of the confederation are less likely to form difficulties in any scheme of union.

I write this in the belief that it would be impossible for you to be in Cape Town personally whilst the conference was sitting, and I need not add how greatly it would conduce to the objects in view if you were able, for however short a period, to visit the seat of the conference, and confer with those who will take part in its discussions.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Lieut.-Governor Sir H. Bulwer,
&c. &c. &c.

EXTRACT from Speech by Sir H. B. Frere on opening the Cape Parliament.

* * * * *

12. "The attention of my ministers will be directed at an early opportunity towards approaching the neighbouring States and Colonies with a view to a joint and friendly investigation of such a basis as may provide a sound foundation for a satisfactory measure of confederation.

SIR H. BULWER to SIR H. B. FRERE.

Government House, Maritzburg, Natal,
June 14, 1878.

SIR,

I HAVE the honour to acknowledge your Despatch No. 10 of the 13th instant, enclosing a copy of the speech with which your Excellency opened the session of Parliament of the Cape Colony, and requesting my attention to that paragraph in it which relates to the question of the confederation of the Colonies of South Africa.

I am glad to learn from your Excellency's Despatch that it is probable that your ministers will be, before long, in a position to take steps towards the assemblage of a conference on the subject.

The Legislative Council of Natal will meet on the 27th instant, after which date I shall be prepared to take the necessary steps for the appointment of delegates to represent this Colony in the conference, but before doing so I shall be much obliged if your Excellency will inform me as to the number of delegates that you will be prepared to receive.

In a Despatch which I addressed to you on the 8th of November last, I informed you that the Legislative Council here had expressed themselves in favour of the Colony being represented, at any conference, by three persons, who should be members of the Council, one of the three being an official member of the Government.

I added, however, that of course the number of representatives sent from Natal must depend upon the number that might be sent from the other Colonies; and that, as this was a matter in which the convenience and wishes of other Colonies were concerned, I should await an intimation from your Excellency as to the number that would be admitted from Natal.

I do not consider that any better place than Cape Town could be chosen; but I do not think that, under present circumstances, it will be possible for the representatives of this Colony, who have yet to be selected, to be in Cape Town within the period of the present session of the Cape Parliament.

It will be a matter of much satisfaction to me if I should be enabled to visit Cape Town, in accordance with the suggestion you are good enough to make, during the sitting of the conference; but I am, of course, unable to say at this moment whether it will be in my power to do so.

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.

Governor Sir H. B. E. Frere, Bart.,
&c. &c. &c.

Sir H. B. FRERE to Sir H. BULWER.

Government House, Cape Town,
June 25, 1878.

SIR,

I HAVE the honour to acknowledge your Excellency's Despatch of the 14th instant, No. 97, in reply to mine of the 13th ultimo, No. 10, and asking for information as to the number of delegates which it would be advisable to send from Natal to attend the proposed conference here on the subject of South African Confederation.

I think that three would be a very convenient number; but I shall be ready to receive any number your Excellency may think necessary to fairly represent Natal interests. The Colony will not be bound by any resolution of the Congress, so that the precise number of delegates is not material.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Lieut.-Governor Sir H. Bulwer,
&c. &c. &c.

Sir H. BULWER to Sir H. BARTLE FRERE.

(TELEGRAPHIC.)

July 26, 1878.

HAS your Excellency's Government come to any decision for the holding of a conference at Capetown this year? I ask in order that, if it be the case, I may be enabled to request Natal Legislative Council to nominate the delegates to be named by it. The Council will probably sit another month.

MESSAGE No. 26.

Government House, Maritzburg, Natal,
August 23, 1878.

SIR,

THE Lieutenant-Governor has the honour to transmit to the Honourable the Legislative Council copy of the further correspondence that has passed respecting the

Confederation of the Colonies and States of South Africa, and respecting the holding of a conference of delegates on the subject.

The Lieutenant-Governor has delayed sending down these papers to the Council, in order that he might, if possible, be able to lay before them some precise information as to the meeting and time of meeting of a conference.

He is, however, still unable to give the Council this information, but it will, the Lieutenant-Governor thinks, be convenient that the Council should, before the termination of the session, name the two unofficial delegates by whom they would desire to be represented; so that should it be found practicable to hold a conference during the recess, the Colony may be in a position to send its representatives, official and unofficial, without the necessity of the Council being summoned to meet in special session.

(Signed) HENRY BULWER,
Lieutenant-Governor.

No. 44, 1878.

TO HIS EXCELLENCY SIR HENRY ERNEST BULWER, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Lieutenant-Governor in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

MAY IT PLEASE YOUR EXCELLENCY,

THE Legislative Council, in reply to your Excellency's Message No. 26, 1878, and the documents therein transmitted on the subject of the proposed conference of delegates of the Colonies and States of South Africa, beg respectfully to transmit, for your Excellency's information, the following resolution which passed the Council this day, and to pray your Excellency to be pleased to forward a copy thereof to his Excellency the Governor of the Cape Colony and High Commissioner.

By resolution of the Legislative Council, this 3rd day of September 1878.

(Signed) WALTER MACFARLANE,
Speaker.

RESOLUTION, adopted by the Legislative Council of Natal, on the 3rd day of September 1878, on the subject of the proposed conference of delegates of the Colonies and States of South Africa.

"That this Council, having taken into its consideration the Message, No. 26, 1878, of his Excellency the Lieutenant-Governor and the Despatch of Sir H. B. Frere, therein communicated, having reference to the appointment of delegates and the discussion of instructions to be given to them in regard to a conference to be held on the question of the Confederation of the various States and Colonies of South Africa, during the session of the Cape Parliament which has since come to a close, is of opinion that, in view of the fact that the Cape Parliament has since closed without any action having been taken upon this question, so far as this Council is informed, this Council desires to renew its expression of willingness to send delegates to such a conference, whenever the Government of the Cape Colony may intimate its readiness to receive and confer with them in conjunction with representatives of the several South African communities; but considers it is inexpedient to appoint such delegates until the Cape Government shall have signified its intention of holding a conference of delegates from the various South African communities, for the purpose of discussing, in all its bearings, the important subject of Confederation."

A true copy.
(Signed) STEPHEN STRANACK,
Clerk.

Sir H. BULWER to Sir H. BARTLE FRERE.

Government House, Maritzburg, Natal,
October 29, 1878.

SIR,

WITH reference to my Telegraphic Despatch to your Excellency of the 26th July last, regarding the nomination of delegates to represent this Colony at a South African conference (should one be held) at Capetown this year, I have the honour to enclose

copies of a message I sent to the Legislative Council on this subject, and of the address in reply.

2. In the event of your Excellency finding yourself in a position to hold a conference at Capetown during the present year, or at any time before the month of June next, it will be necessary, so far as this Colony is concerned, to summon a special session of the Legislature, in order that it may proceed to the election of delegates.

This Colony, I believe I may assure your Excellency, is quite prepared to send delegates to any conference held by you; but it thinks it better to defer the nomination of the delegates until the meeting of the conference is actually decided upon.

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.

No. 4.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 30, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
December 30, 1878.

SIR,

I HAVE the honour to forward for your information copies of a correspondence I directed my private secretary to enter into with some of the leading missionaries in Zululand on the subject of the violence used or threatened by Zulus against their Christian countrymen.

The correspondence, I think, sufficiently explains itself, and I will not, therefore, add to what I have already said on the subject in several of my Despatches written since my arrival in this Colony.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.
The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 4.

CIRCULAR LETTER addressed (by command of his Excellency the High Commissioner) by MR. LITTLETON to various Missionaries lately from Zululand.

High Commissioner's Office, Pietermaritzburg,
November 1878.

REVEREND SIR,

You are aware that there has been considerable discussion as to the extent of actual violence threatened or inflicted on Zulus in connection with the missions in Zululand during the present King's reign.

May I therefore request that you will inform me, for the information of his Excellency the High Commissioner, as accurately and definitely as possible,—

1st. How many persons have, as far as you or your colleagues are aware, been actually put to death for listening to the teaching of missionaries; or who, being in any way connected with missions, have been put to death ostensibly for other reasons? I shall be obliged if you will give, as far as you can, names, dates, and places.

2nd. What other cases of killing persons connected with missions have you or your colleagues heard of, though less definitely and accurately?

3rd. How far do you suppose that the above cases, known more or less to you or your colleagues, comprise the whole of the cases in which persons connected with Missions have been put to death in Zululand during the last three years?

4th. What other acts of terrorism by the Zulu authorities contributed to cause the late exodus of the missionaries from Zululand?

5th. How far do you wish the information given in answer to these questions to be considered as confidential, and not to be made public as coming from you?

I have, &c.
(Signed) WILL. LITTLETON,
Private Secretary.

SIR,

Lower Tugela, December 6, 1878.

IN answer to your letter, dated November ult., requesting me to inform you, for the information of his Excellency the High Commissioner, how many people had, as far as I or my colleagues know, been actually put to death for listening to the teachings of missionaries. I beg to bring prominently before your notice the following remarks, that it is not so much the number of cases in which violence has been threatened or inflicted on people in connection with missions that clearly shows that the Zulu King had made up his mind to put a stop to the christianizing and civilizing influence of the mission work; but this is more clearly borne out by the fact that mission work has been carried on in Zululand since 1851 without any Zulu being killed, or, to our knowledge, threatened with punishment of death, for being connected with the mission, until the last two years.

(2.) As to how many persons having actually been put to death for listening to the teaching of missionaries, or who, being connected with missions, have been put to death ostensibly for other reasons, I only know of three.

1st. A Christian, by name Joseph, killed on the German station, Tugezane, Sunday morning, March 4, 1877, smelled out in the usual way.

2nd. An old man, Umagamuzela, at Etyowe station, was killed March 9 same year because he wished to become Christian, no other charge being laid against him either by the King or the Chiefs.

4th. A Christian, by name Jacob, was at this time, in the end of March or beginning of April, killed on or near the German station Eudhlovini. He had a case with Usossopo at Empangeni, about some cattle to which he, according to Zulu law and custom, was entitled, but it was decided that he had lost his claim having become a convert and was killed.

(3.) These are the only cases which I know of persons actually killed being in connection with the mission. But as to intended killing, I can state following cases:—

1st. In the end of November 1876 an “impi” came to the Imfule station to kill or “eat up” a Christian native, by name Samuel, because he had turned Christian. The “impi” said the King had given the order to kill him, but the Chief had sent them to “eat him up.” This man was forgiven by the King at the intercession of Reverend Gundersen.

2nd. The 18th March 1877 an “impi” came to my station Etyowe to kill a Christian by name Johannes, because he had become Christian, and was supposed to know of a girl crossing over to Natal without having reported it.

3rd. Martin Luter, the eldest Christian native on my station, had in April gone to Durban to fetch medicine for the doctor; before he came back we heard of an “impi” waiting in our neighbourhood to kill him on his return, because so many of his relations, two brothers and his old mother, had followed his example and become Christians. He was warned on his road up not to return; he left his waggon and came at night to take away his family; he made his escape into Natal. This was in the night between 25th and 26th April last year. On the same night all the Christian families on the station left for refuge in Natal.

4th. While all this took place on the stations in the lower part of the country we heard of several “impi’s”—three at least, being in the same way sent to the German stations in North Zululand, of which I cannot give the particulars.

(4.) As to how far I suppose the above cases to comprise all the cases in which persons connected with missions, have been put to death in Zululand during the past three years, I can only say that, as far as my experience goes, the above comprise them all.

But it must be observed that the above cases, with exception of one, that of Samuel of the Imfule, all took place in the course of three months, and I feel perfectly sure that, had not so many Christians taken fright and fled to Natal, thereby causing a stir, which made the King and his Chiefs pause, the killing and plundering on the stations would have gone on in the way it had begun.

(5.) With respect to the “exodus of the missionaries from Zululand” I beg to refer to our memorandum of 10th October last, and shall further try to illustrate the situation of the missionaries and their work by the following remarks:—

1st. Before the “ukunyatela feast” in 1876, Umlzuntyu, one of Cetywayo’s most intimate servants, told my catechumans that “their trousers should soon be pulled off ‘them,’ as the King would no longer suffer so many of his people to turn ‘amakolwa’ (believers). ‘You do me harm he said, for I like your teacher, but by your behaviour ‘in leaving our customs and turning ‘white,’ you will cause him to be driven out of the ‘country.’”

2nd. At the "ukunyatela" feast of the same year, in the end of November, we heard the King had told the captains of the different regiments to kill or "eat up" the young men who stayed with the missionaries, but according to their age belonged to their respective regiments. We thought this only a rumour, but shortly afterwards an "impi" came to the Imfule as stated above. When Mr. Gundersen went to the King to intercede for Samuel, the King said he did not know that this man was connected with Mr. Gundersen; for his sake he would forgive him, but at the same time he most emphatically told him that, though he forgave this man, he would not any longer permit anyone of his people to become Christians.

3rd. After the great feast in December 1876 rumours became, more serious as to the King's intention to treat the native Christians in a way that should stop the progress of mission work in his country. In February following (1877) Mr. Gundersen, Mr. Stavem, and myself called upon the King trying once more to induce him to acknowledge the "amakolwas" as his subjects, and let them do service as such, but of no avail. He only said he would call them when he wanted them. He was very friendly, though somewhat reserved when we spoke about our mission work, and its many drawbacks.

This was the 18th February and shortly after the above stated cases of killing took place.

4th. About a week after Umagamuzela was put to death a Christian native from Natal, who formerly for many years had lived in Zululand in connection with our mission, and had been very intimate with the King, told us confidentially on his way back from the King's residence, where he had stayed for some weeks, that what we hitherto had seen of the King's doings, in order to stop the mission work, was only a small beginning to what we might expect to follow, after all he had heard from the King. After this followed the "impi" sent for Johannes at Etyowe as stated above.

5th. A few days after the "impi" just mentioned two messengers came from the King to call all the "amakolwa" to come to his new kraal, Maizekanya, to make bricks and built a house for him. This appeared rather strange under present circumstances. A Natal Kafir coming from the King's kraal told the station people that he had heard the King's great servant Umtyuntyu say that when the "amakolwa" had come together they would be asked why they had become converts. Rumours got abroad that when the King had got them up to Emahtabatini, he would kill them all, and consequently they were afraid to go.

6th. Upon this followed the rumoured "impi" which was to kill Martin Luter, and which frightened away all the station people at the Etyowe, and many others, and drove them into Natal.

7th. Immediately after this Dr. Oftebro went to Emahtabatini, and together with Rev. Robertson and Rev. Gundersen called upon the King on the 18th April (1877), asking for explanation in regard to these atrocities, which now had frightened away all the people at the Etyowe, and many others. He first refused to give any explanation, pretending to be in a rage, but when he had been told that if he would do nothing to protect the stations against future killing and plundering, the doctor, who otherwise was to come and stay at the Emahtabatini, would never come and see him any more, he calmed down, saying he would send and order the cattle and goods taken to be returned, and call back the "amakolwa," but he at the same time strongly denounced mission work, saying he would rather side with Satan, and go to hell, than allow the christianizing of his people.

9th. When the doctor went to settle at Emahtabatini I accompanied him, and together with him and Mr. Gundersen had a long talk with the King, 30th May (1877). I told him how sad our situation had become since our people had been driven away by the killing and plundering which had taken place, and since no Zulu was allowed to work for us, and how he, by his attitude towards the mission, had caused the white people to think and talk very bad of him.

He behaved friendly towards us, but reserved, would give us no promise of protection to out station, or of permission for his people to work for us. He would not even find a bag for the doctor, but said that in this case if the doctor could find one himself, he would protect him.

(6.) All this together proves clearly enough, I think, that our mission work was intentionally and directedly stopped as much as could be, and that it was our duty to leave the country, lest we should give the people reason to believe what had already been insinuated, that we had some secret and less charitable purpose for staying in the country than the preaching of the Gospel. It will thus be seen, I hope, that we did not leave Zululand so much on account of the terrorism and tyranny prevailing there, to which we had been long accustomed, or for the direct killing and plundering which

had taken place on our stations, as because of the decided hostile feelings of the Zulu King and his great Chiefs in regard to mission work, and their determination to stop it, and our own growing conviction that the haughty and defiant tone and feeling towards whites would not fail but very shortly to terminate in a political crisis, under which it would be better for our work and for ourselves to be out of the country. But though we, as before stated, clearly saw that our work was hopeless, and that we should have to leave for the time being, we did not find ourselves justified in doing so on our own responsibility, but though a deputation explained our case to Her Majesty's Special Commissioner his Excellency Sir T. Shepstone who advised us, as stated in our memorandum before referred to, to avail ourselves of the opportunity given us by the King himself, of quietly leaving the country.

You are quite at liberty to make any use of my letter that may seem desirable to his Excellency the High Commissioner.

The Honourable W. Littleton,
Private Secretary to his Excellency
the High Commissioner.

I am, &c.
(Signed) O. C. OFTEBRO.

SIR,

Kearsney, P. O., December 7, 1878.

I RECEIVED your letter regarding the killing in Zululand five days ago, and at once sent on the enclosure to Mr. Volker. I have delayed answering it until to-day in the hope that I might be able to add the testimony of my coadjutor, the Rev. S. M. Samuelson, to mine. He has, however, I hear, gone to Pietermaritzburg to see a sick daughter, and I have not heard from him.

I will not conceal from you that it was with no little indignation that I read your letter. The fact is there is a small clique in Natal who seem to have taken a brief to make black white; who persistently shut their ears to all evidence as to the killing going on in Zululand, no matter how strongly vouched for. Truly may I say of them, "neither will they believe though one rose from the dead;" they have had evidence *ad nauseam*.

I am well aware, however, that passion is neither evidence nor argument. I proceed therefore to answer your question, and I shall chiefly confine myself to the Church of England mission, believing that you have written to the Lutherans also, who will answer for themselves.

1. Only one person, an old woman, has been killed belonging to our mission. It happened on Mr. Samuelson's station (St. Paul's). I believe that witchcraft was the ostensible reason given.

She was suddenly seized, dragged away from the station, and killed. Mr. Samuelson, no doubt, will be able to give dates and all particulars. No one else was killed on any of the Church of England stations.

2. Three persons (native Christians) were killed in Zululand last year (1877), of whom you will hear more, particularly from their respective missionaries, viz.:—Umagamusela, at Etyowe (the Rev. O. C. Oftebro's station), Josephat Innyezane (the Rev. M. Fröling, German), and Jacob, also connected with the German mission in the same neighbourhood.

3. As far as I am aware no one else has been killed in Zululand as Christians.

But that is not all by any means. It will never be known, but it seems to me, that the King had made up his mind to worry and harass the missionaries, until they left the country. Remembering his promise to Sir T. Shepstone, he could not order them out, seeing that they had given him no just cause to do so. At any rate, no sooner were these three Christians killed than the mien of the heathen Zulu was altered towards the missionaries and the native Christians. They did not say it in so many words, but one felt as if they said, "Hitherto you have been privileged; you are so no longer; now we have you in our power." The life of Mr. Samuelson was actually threatened, and he only saved himself by shutting himself up in his house until the assailant was persuaded to leave him. I am aware that Messrs. turned the story into ridicule.

All I have to say to them is, I should like to see what they would do under similar circumstances. On Mr. Oftebro's station the life of a man named Johannes was sought, and he only escaped by fortunately being from home. The same thing occurred on Mr. Weber's station at Nlaboukulu; and altogether, in the beginning of 1877 I count no fewer than 12 assaults upon mission stations. At Bethel (Mr. Staalborne's) they destroyed the houses in which the natives lived, and the missionary was for a time in

considerable danger himself. At my own station of Kwa'magwaza, three men were "smelt out," accused of witchcraft.

I had timely warning given of what was impending, for, thank God, I can count many true friends among the Zulus, and sent them off to Natal. In the case of one of them, I wished the man to stay and fight it out, telling him that, at any rate, I was willing to die with him, but his wife and others so strongly protested against it, that he left during the night without my knowledge. The altered mien of which I have spoken was very observable; Christian houses were entered by Zulus in a rude sort of a way unknown to us before; their eyes travelled everywhere; and a friendly Zulu told me privately that "they were looking where things were put, in order that when an isidumo (row or alarm) took place they might know where to find them."

A disposition to pick a quarrel was prominently present on the part of the heathen, and it was only by my giving strict injunctions to my people not to let anything be a cause of quarrel that one was averted. Seeing that a crisis was surely coming I sent off all my people to Natal in August 1877, remaining myself with a few faithful fellows until May last.

I do not blame myself nor the other missionaries for the steps we then took. We did not take them before we had most earnestly appealed to the King, for his own sake and that of his people, to adopt a different line of action towards us. I myself appealed to him at least three times. His answer was "I shall not allow my people to become Christians, if they do I shall kill them."

4. I have stated publicly in the "Natal Mercury" that since the accession of the present King no fewer than 19 persons have been killed within a radius of 8 (eight) miles from Kwá Magwaza station, all without trial of any kind whatever. On receiving your letter I called a few of my people together and asked them to refresh my memory by telling me of all the cases that had occurred in that time. I find that the number ought not to be 19 but 25. Of these, five were killed at places distant from Kwá Magwaza, but their homes were there, all within an hour's ride, or thereabouts, of my house.

The following is the list:—

1. Umhabala.
2. His wife, killed at the same time.
3. Umbuceni.
4. Untvanombana.
5. Umatyvane.
6. Umatyekana and
7. Unonggwaleni } Two sons of No. 5, killed along with their father.
8. Umgebisa, and
- 9, 10, two sons of No. 8.
11. Unyambose.
12. Ungcoizane.
13. Ungombane.
14. Udhludhla Ka Mangena.
15. Umhlouhlo, Longcost's servant.
16. Umkulu uyise Ka Nomlandu.
17. Unompunzane, wife of No. 16.
18. The wife of a man named Umtente Ka Sigeane.
19. Umkontywana at Emkwindini.
20. Umseabi.
21. Wife of the above.
22. Umjiba, his son.
- 23 and 24. A man and his wife near Ketcketeni.

N.B.—In this case, when the man killed his wife and a daughter escaped to my house, where they remained for a considerable time. The Zulus came and persuaded them to go home, saying that nothing would be done to them, and that they had never intended to kill them. They killed the woman on the road, a shortway from Kwá Magwaza and took the girl.

25. Usomcuba Ka Sigeane, killed because he was sick.

In explanation of this last I ought to tell you that the King shortly after his accession to the throne rebuilt the military kraals. It was a great work and many sick or feigning to be sick did not turn out to the work. The King sent and had them killed throughout the land. He made a grim joke of it saying that he was "helping the doctors."

The clique I have before referred to say, "How many has he seen killed with his own eyes, &c.," I am quoting from memory, I answer five. But that is nothing to the purpose. In England when you see the mourners go about the streets you do not doubt

but that a death has occurred: so here, when you see the fugitives running away, when you hear it generally reported that so-and-so has been killed, when you see him no more, you believe that what you have heard is true.

With regard to the list I have given you, I am prepared to prove it, not by producing witnesses of the actual deed, but persons who knew the victims when they were alive, and who knew that they were killed.

One such witness you have ready at hand, viz., the General's interpreter, H. W. Longcost, one of my men. Only call him and read over the names to him, and you will see whether it is true or not. Some of the cases he may possibly forget, as I myself had done. I cannot help saying that it pains me to write in this way, as if defending myself against an imputation of false words. Have I not a cause? *Vide* recent letter in the "Colonist."

One of my native deacons in charge of an outpost at Empandhleni tells me of six cases in his immediate neighbourhood, but he added that there were many others; as he truly said, "such cases have lately occurred so often that we ceased to notice them."

5. You are at liberty to make this as public as you please. It is the truth, and I wish to add that I believe it in the main to be a true picture of what has been going on all over Zululand since 1873. I have reason to believe also that killing is now going on just as bad as ever it was.

The half-brother of one of my converts I heard was killed the other day, and Mr. Fynney had hardly been at his present post a month before he told me that he had heard of no fewer than 10 cases. Ten cases came to his knowledge in one month; how many did not? Ten cases in one limited district in one month, makes how many in the whole country in a year?

The Hon. W. M. Littleton,
&c. &c. &c.

I remain, &c.
(Signed) R. ROBERTSON.

Have you seen an article on the Zulu question in the "London Quarterly Review?" It contains the best defence of Sir T. Shepstone that I have seen.—R. R.

EXTRACTS from private Letter of the Rev R. ROBERTSON.

December, 10, 1878.

I BEG to enclose a letter I have just received from the Reverend S. M. Samuelson.

* * * He is by birth a Norwegian. * * *

* He makes, I see, no allusion to the assault made upon himself. It is true though, nevertheless, that the assault was made; and his making no mention of it is an illustration of how difficult it is to get the whole truth. * *

Bozamo, New Gelderland,
December 6, 1878.

MY DEAR MR. ROBERTSON,

I AM surprised to find that somebody in Natal are trying to contradict the accounts given by the Zulu missionaries, about the killing of people in Zululand. Had they resided in Zululand themselves for 20 years, as we have, they would write in a different tone; indeed the killing of people without a proper trial in Zululand, especially since Cetywayo came to power, has been such a common occurrence, that I thought it useless to keep an account of it.

Only a few cases came under my personal observation, for the Zulus, as a matter of course, do not report to the missionaries when they are going to kill a person; he learns after the deed is done by the undoubted testimony and tears of the deceased's relatives.

I will now specify a few cases which happened under my own personal observation.

On Sunday 13th March 1868, Cetywayo sent two Chiefs with about 20 armed men to my station to kill Umfezi, simply because he wanted to become a Christian. As they did not find him, they threatened to tie me up, and they took away all his effects.

On Trinity Sunday 1871, Cetywayo sent about 30 armed men to my station to kill an old woman who had joined us. I did what I could to save her, but they drove her away and killed her not far from the station. Some may perhaps say, this is no crime, as it happened before Cetywayo was crowned.

Then on the 23rd March 1874, the King sent about 40 armed men to kill Usiangembumba, residing close to our station. We heard the shouts of the people and the report of guns, and two of my boys went over to see, and found him lying on the ground killed

with three bullets; all his daughters and cattle were taken to the King. Some of the executioners came to the station afterwards and told us all about it.

About the same time a man and his wife, who had been tied together, and dragged on the ground till there was no whole spot on them, thrown into a bush to be devoured by the wolves—came crawling to the station. I kept them about a week, feeding and doctoring them, and then sent them away. The man was afterwards killed by the King's orders.

I also know from many sources as a fact that Umajevana and Umkokwana were killed without trial by the King's order after he was crowned.

In 1875, while I was absent, two men well known to Mr. Samuelson, were killed by the King's orders at Inhlawini, not far from the station.

I am quite sure that the accounts given by the Zulu missionaries and other settlers in that country have not been exaggerated, but, of course, when a person from Natal is sent into Zululand to inquire, as was Umagemma, it is in the interest of the King and Chiefs to deny it.

Apologising for the poor way I have given this account.

I remain, &c.
(Signed) S. M. SAMUELSON.

EXTRACTS from private Letter of the Rev. Mr. OFTEBRO.

December 17, 1878.

I now send a paper from Mr. Stavem. He only gives statements from that small tribe Umbonambi consisting of about 400 people. He can prove the murdering of 10 in 400, in the course of three or four years. Put the Zulus down at 300,000, and you will get a five per cent. killed.

A native formerly belonging to John Dunn, but have stayed with us for some months, went into the Zulu country a couple of days before the meeting on the 11th. He was going to try to get over some heads of cattle left in a kraal at Matikulu. He stayed to learn the result of the meeting, for if it should come to war the whole kraal would cross over, they being Dunn's people. He came back yesterday having left his cattle where it was since there would be no war. It was understood in Zululand that the Queen's great Chiefs had sided with the Zulu King against Somsen as to the border dispute, and only asked a fine of cattle for the trespass of Usihayo's people, and advised the King to let the young soldiers get rings on their heads. That was all, and so there would be no war. He had not heard of the delivering over to the Natal Government of Usihayo's sons and brother, neither of Umbeline. Cetywayo will be advised like this. You must give in now, and do everything they ask at once. Otherwise you will lose everything, land, kingdom, and all. Now the troops are so many they can crush you, but know you well that when the troops are withdrawn they will not easily come back again for it cost too much money, and your friends will be able to prove that you are friendly disposed and that the missionaries tell lies. So much horror I have for war, I cannot help wishing it to take place in this case, because I believe it to be the only thing that would settle the Zulu trouble and be to the benefit of the Zulus themselves.

I know Cetywayo too well to believe for a moment that he will keep any agreement without being forced to it by a strong hand.

* * * * *

I have not heard if Dunn has gone up to the King, only that he was to go.*

SIR,

Umvoti, December 14, 1878.

HAVING read your letter to the Rev. O. C. Oftebro, and being asked by him to state what I know of the acts of cruelty performed by the Zulu authorities and referred to in your letter, I have the honour to forward the following statement:—

(1.) Since U Cetywayo became King of the Zulu nation I have been living and working as a missionary at the Norwegian Mission Station "Umbonambi" in Zululand. The Umbonambi tribe is only a small one inhabiting the coast district north of the river Umhlatusi.

(2.) The Umbonambi nation had been established in the last years of Umpandi's reign. There were not yet any Christians at the time of U Cetywayo's installation.

As the feelings of the new King were well known, no Zulu subject ventured to become a Christian and connect himself with the station. If anyone wished to leave the heathen life, there was no way open to him but to go far away from his home, either to some older station in Zululand, where he hoped not to draw upon himself the attention of the Zulus, or to emigrate to the Colony of Natal. Therefore, much against our wish, our mission work contributed to bring refugees over to this Colony. In Zululand we were allowed to sow the seed of the Word of God, but not to reap the fruit. It was evident enough that such an anomaly would lead to some crisis before long. When we heard of the first "Impi" (a troop of executioners) sent to another mission station to kill a Christian, five Zulu subjects, being at that time taught by me, left for their kraals or other places, where they thought themselves more safe. Therefore no Christian Zulu was murdered at my station, but the would-be Christians were frightened away. As I know our Superintendent, the Rev. Mr. Oftebro, himself will tell you all about the three cases of murdering Zulu Christians on other stations, as well as about those converts who were pointed out to be killed, but, not being found at home, escaped, it is not necessary that I should say anything more in regard to these cases.

(3.) Being aware that the killing of heathen Zulu subjects has also been disputed, I wish to show how little the Zulu authorities have regarded the agreement entered into at the coronation of U Cetywayo, I will mention some cases of murdering among my neighbours at Umbonambi. These neighbours, not being Christians, had no special connexion with the mission station, but they were living so near they could come to the service on the station, and were friendly to the missionary. On the 19th of April 1874, Usoboza, a man living in Umkosana's kraal, Endabeni, was killed by an "Impi" sent by the King. The man belonged to the Indabakaombe regiment. On the 27th of January 1875, Umhlabatini, a man living in Umkosana's kraal, Entwaleni, was stabbed by the order of the authorities. The next day, the 28th of January 1875, an "Impi" sent by the King murdered a man by the name of Ulwanhle. The murder of this man was very unpopular among the people belonging to the tribe. Ulwanhle was friendly to all his neighbours. He came almost daily to the mission station, and he said that he believed in the Word of God, but he could not become a Christian, as he was afraid that he should lose his life. Some of his children were always on the station, where they began to learn to read. Two of his boys were in my service when their father was stabbed and shot near his kraal Uqubinboma. The next murder took place near a kraal belonging to a man named Umaqeda. This man was taken ill and died. Therefore one of his wives was killed by the King's order. She was in a family way when she was driven down to a small river and put to death. A short time afterwards the wives belonging to the Chief Umkosana killed one of their husband's women, without the King's knowledge of course. They were not punished. Some months passed and another man was murdered at Umkosana's kraal, Entwaleni. Not being a soldier, he was put to death without the consent of the King. A Natal Kafir was also at that time shot not far from my station. He was a native doctor and I think a British subject. He was charged with having caused by his witchcraft a Zulu woman to follow him, learning his profession. Another young man was slain in Entwaleni by the kraal men. The authorities failed to punish the murderers. These eight cases, and two others which took place outside the tribe, but still not far off from the station, I can prove by Zulu witnesses. In the last cases I did not make a note of dates, which I now regret, but it did not occur to me at the time that such memorandum would be of any future use. The pretexts for taking life in all these cases have, with the exception of one (the murder of the young man), been witchcraft.

(4.) Besides these cases mentioned above, I have heard of many others. But as they have not been committed near my place, and the people concerned not having been known to me personally, I don't mention them, as I have not the means of confirming them, though I believe they have occurred. I will, however, add a few cases with which I have become acquainted in travelling over the country, and of which I am certain. For instance, a slaughter of some people at a kraal not far distant from the River Umhlatusi, and two cases of foul murder in the neighbourhood of Ungoye. In the Hlangezwa tribe some men that were to be killed made resistance by firing their guns from their huts. Two men of the "Impi" were wounded before they could perform the bloody work laid upon them by the King. One of the wounded men I saw myself. I also know a man, Unyoni, put to death within that tribe, and I am sure of the murdering of two Coolies coming from Natal. Those Coolies, being persecuted by the Zulus, ran to a waggon belonging to Rev. Mr. Dahle, one of our missionaries. The Coolies were taken out of the waggon and slain that the Zulus might get rain. All these cases

occurred, I believe, in the years 1876 and 1877. The last ones could easily be proved by witnesses.

(5.) As to the question why these people have been put to death by the Zulu authorities, I am sure I shall speak the truth when I say that many of them have been innocent, others have done something wrong. Some may have been disliked by their neighbours, who have been anxious to get rid of them. The whole judicial system among the Zulus is connected with their heathen superstition. When people are taken ill, some witch-doctors must find out the cause.

Generally they "smell out" one or more men. The result of the "smelling out" is reported to the chief of the district, and he sends some messengers with the same report to the King and his councillors. At the same time the captains of the regiment to which the supposed witch belongs, are told of the case. The witch-doctors of the regiment are then called for to "smell." At last the King gives his decision either for death or life. While all this is going on the man or woman concerned generally does not know anything about the whole proceedings. It is evident that this cruel and stealthy procedure is not the open and fair trial which was required by Sir Theophilus Shepstone and was agreed to by the Zulu authorities in 1873. I was present on that occasion, and I heard only one Zulu grumble. Unyamasa said, what are we going to do with our witches?

(6.) I know that the cruel proceedings in Zululand have been disputed. Some have said that the authorities have killed only a few persons, and that these have been criminals. As to the number, I am sure we should find it a large one if we had the facts from every part of the country. The 10 cases which I have mentioned as occurring in the vicinity of my station have taken place in a district, the whole population of which does not exceed 400. If inquiries should be made, I think it would be found that the protestations which have been made against the testimonies of missionaries and others in regard to the Zulu cruelties have originated from persons who, not living in the country, are either ignorant of the condition of things in Zululand, or who, though not ignorant, prefer the present state of barbarism to that of any other. It is well known that men of European descent in Zululand have adopted some of the Zulu customs, for instance, polygamy.

It has been reported that some have favoured the custom of "smelling out," and have even asked the King for "impies" to put persons to death; whether these reports be quite true I cannot say, still I have strong reasons to believe it. At all events it is a fact that the way of living and behaving of such men has been a great drawback to the civilizing influences which have been brought to bear upon the Zulus. As Zululand, for such men, is just what they wish it to be, no wonder they have tried to withdraw the doings of the Zulu authorities from the eyes of the public.

(7.) In regard to the acts of the Zulus' authorities, as far as those acts have contributed to the late exodus of the missionaries, I will only make a few remarks. As soon as people connected with mission stations were murdered, or intended to be murdered, some missionaries lost their servants, so by that reason only it was almost impossible for them to stay in the country. On other stations the small Christian congregations left for Natal, and the other Zulus being frightened did not more gather to service. The missionaries had nothing to do but to take care of their homes. When that was not enough to drive them all away the authorities commenced to act upon a new plan. Unfriendly Chiefs and neighbours began to build kraals and dig gardens very near the houses of some missionaries, clearly with the purpose either to give rise to difficulties with the station people, or to annoy the missionary away from the station. So they did at our station at Ernziyati, and they commenced the same at Imfule and Empangeni.

From German stations we have heard of the same troubles, and we know that this tactic is just what Zulus do when they wish to drive away a neighbour, but have no cause to do so in an open way. At last this encroachment upon one of our stations became intolerable, and we tried to bring the matter before the King. We were, however, prevented from doing so. The fighting at the last "umkosi" (first fruit feast) had in the meantime taken place, on which occasion more than 100 Zulus were killed, and many more wounded. Reports of that bloodshed reached the newspapers in Natal. Mr. F. Colenso came to Zululand on some business of his at that time.

What advice he gave the King we do not know. But it is a fact that after this visit the King became more angry than ever with the missionaries. He said that his white and black friends had told him that the missionaries were his enemies, and that they had reported to Natal about the massacre at the feast. The King falsely charged us, the Norwegian missionaries, of having sent such reports, simply told us that he wished we

would leave him and his country. He would not protect us more. Consequently, we could not lay our complaints before him and his Chiefs, and his people could treat us just as they liked. In this way the murdering at the last feast also contributed to the exodus of missionaries from Zululand.

I have spoken the truth, and you may make public as much of what I have said as you think proper. I came to labour among the Zulus, not for my own sake, but for theirs.

If God allows me to go back to Zululand, I do so again for their sake only. There is no reason why I should belie the Zulus. Many among them are my friends.

I have, &c.

(Signed) O. STAVEM,
Norwegian Missionary.

SIR,

1. On the station of my neighbour, Rev. F. Fröhling, Inyesane, the baptised Kafir, named Joseph, was killed on the 4th of March 1877.

In the same week, I no longer remember the exact day, a Zulu who was being instructed prior to baptism, at Ityanie, by Rev. Oftebro, was killed (his name was Umatafeni) because he wished to stay with his teacher.

A lapsed baptised Zulu, named U. Jacobus, who ground powder for the King U. Cetywayo, was killed at U. Nyinginhloru in May 1877, ostensibly for having stolen a gun which the King had given him to repair.

2. A man was killed at the kraal of one of my neighbours in 1875, ostensibly for having killed the wife of the induna Umatyiya; but he often came to my church, which the Zulus did not approve of.

A woman was killed at the kraal of another neighbour in 1875, ostensibly for having killed the children of her son, but she had shortly before frequently come to my station and to that of Rev. Fröhling, and had asked for and obtained medicine for her arm.

Another woman was fetched from Reverend Kück's station, and killed, I no longer remember on what grounds.

3. These seven persons were killed, I believe, on account of their connection with the mission.

4. Various outrages were committed by the Zulus on my station.

There was a water mill belonging to the station, a quarter of an hour distant from the station, on the River Umkukuzi, the doors and windows of which were broken out, and the roof pulled down; seven sheets of the corrugated iron roof I found at a kraal an hour's distance off.

Frequently the neighbouring people came and created disturbances, ostensibly because my cattle had been into their gardens, whilst I knew for a certainty that their own cattle had destroyed their gardens; but if I wanted to have peace, I simply had to pay.

A minor induna, named Umtyaty, once came into my house at mid-day, with his thick stick, went into the kitchen and beat my Kafir, ostensibly because my cattle had destroyed his garden; when I drove him out and ordered him to be quiet, he brandished the stick before me; the cattle, however, had not been into the garden, only near to it.

The Zulus who worked for me were constantly threatened with death by the other Zulus, only because they worked.

When the murder at Inyesane had taken place, on Sunday the 4th of March 1877, four Insiswa came early on Monday morning, just after we had risen, from the nearest kraal in the neighbourhood, and demanded my Kafir, named Umatzana, who worked for me, and who they wanted to kill for having practised witchcraft.

When I had inquired by what means he had done so, it turned out to be a fruit he had gathered by the river side, and of which he had made a drink. It was a good drink, I myself had tasted it, but they said that the King had commanded that whoever made that medicine was to be killed.

They struck him on the head, snatched off his mentye, and threatened to shoot him, for they had brought their loaded guns with them. He saved himself by flight, while I talked to them and kept the induna busy, so that he found time to escape.

A short time after this a man and an Ikehla came to my two baptized Kafir girls, who were hoeing the mealies in the garden; they wanted to take them both away to their kraal and marry them, saying that the King was going to kill all Amakolwa.

A few days after this an induna came from Nginguikhlori to my herd near to an Ikolwei-house, and questioned him closely as to whether many baptized persons lived there, whether they had guns, and whether these were good, thereupon he took him with him, saying we want to look at the teacher's cattle.

Having arrived there he sat down, examined his gun, cocked it, and aimed at the herd, who, however, ran away exclaiming "Oh, what harm have I done."

This drove my Kafirs to emigrate to Natal, as they would not be shot like dogs.

One evening at 8 o'clock a band of robbers came into my tobacco plantation and took the best tobacco, the remainder they destroyed.

One of my Kafirs who was attacked defended himself, and was therefore badly beaten, thick blue marks being left.

Twice my fowls were stolen, each time about 20, next a cow of mine was stolen out of the cattle kraal. The thief frequently came with her to Ityawé, at Mr. Oftebro's, in order to sell her, but as he had already received information regarding the cow, he sent her back to me.

An Insiswa from one of the nearest neighbouring kraals who one day created a disturbance under my verandah, and whom I drove away, turned round sharply and aimed his loaded gun at me; I believe he would have carried out his purpose had he not been prevented by the men who were with him.

Now though these thieves and robbers and these outrages were publicly known, and though I had reported them all to the Isindunen, and had demanded that they should be punished, all remained quiet.

Being thus exposed, I left Zululand in the early part of June 1877, and left my Kafirs behind at the station. During almost a whole year the station was left in good order, but then the Zulus began to break the windows; when I heard of it I took the doors and windows out.

The Zulus have since then broken out the doorposts and destroyed them, utterly destroyed the chimney which was fastened with thick iron bolts to the beams, and carried off the iron.

I have, &c.

(Signed) T. SCHMIDT, German Missionary.
Ten years resident in Zululand
on the station Ermayini.

To the Hon. W. Littleton,
Private Secretary.

To the Honourable W. LITTLETON, Private Secretary.

SIR,

Singwazi, December 15, 1878.

As you request from Rev. Mr. Volker to give you information known to him and his colleagues about the "actual violence threatened or inflicted on the Zulus in connection with missions in Zululand during the present King's reign," I think it not abundant if I, as colleague of Rev. Mr. Volker, report for myself some cases of violence on and near my station, Endhlovini, which I witnessed myself. I hope you will allow me to do so.

The first case of violence happened on my station in September 1878 (I do not exactly know the date). One old woman, about 60 years old, was dragged away from my station and killed at home. That poor old woman came to me on my station in April the same year. I asked her for what reason she came to me and she answered, "Oh! I am troubled, I come from Indhlwenye (a King's kraal near that Undi, where the King was living when he was prince). My husband died, and my child died, and my other child lies sick and will die soonly, and if this last child is dead I shall be killed, because I am already smelled out by the witch-doctor to have killed them by witchcraft."

I answered her, "Yes, you are indeed troubled, poor woman! You may stay with me on my station if you like, but if Cetywayo would send his Impi to kill you I cannot shelter you. Perhaps he may fear to take you by force on a mission station and leave you, but if he is not fearing I cannot help you."

This woman then stayed with me from April till September 1870, her name was "U. Hlesipi." On one day in September, early on the morning, I found me suddenly enclosed in my house by an impi of the King; who asked from me to deliver the old woman U. Hlesipi, who, they said, had killed her husband and children by witchcraft. Hlesipi had concealed herself in my house; but the murderers came in my house and

dragged her out, she cried pitiful ; it was a mournful aspect for me and my wife, but I could not help her. They went with her to the kraal where she had lived, and was killed there on the same day. In December, 1876 another case of violence happened on my station. One young unmarried man came to me and wished to work by me, I admitted him to stay with me as working man. After having few days passed an impi came and struck him with sticks and clubs on his head and back, that all his body was overrun with blood and he was unknowable. I asked why they did so massacre him, and they told me because he had committed adultery with the wives of their kraal-owner. Whether it was true or not I cannot say, but adultery is a crime which one can say is committed every day, owing to the fact that the young men in Zululand are not permitted to marry when they like. After having struck and massacred him pitifully, they took him and went with him to their kraal Mpakungoui, where he should be killed, so they said. His name was a Mogenoni.

Another boy, his name is Munci, had worked by me a long time, and he became to be likely to stay on my station and to listen to the teaching. As soon as his father observed that he feared that his son might become a Christian, and he sent his greater son with sticks to strike him, and drive him away by violence. And so all they working boys, if they had been a longer time on my station, the Zulus looked upon them with suspicion, and threatened them to kill them if they not would leave the station ; and consequently plenty of them went away for being afrighten. Under such circumstances we missionaries became more and more tired in our mission work.

The greatest and heaviest grief came over us the last year 1877, as the King commenced to kill Christians. The 4th März, on Sunday morning, the King sent an impi to our mission station, Enjezane ; and Joseph, a Christian, was killed by sticks and guns in a manner of unutterable cruelty. Only one week hereafter another Christian man was killed at Ejowe, and after two weeks was killed Jacobus. The rumours were going all days that the King want to kill all Christians, and in consequence of that nearly all Christians went over to Natal apprehended by terror. This acts of terrorism contributed for a great part to cause our exodus from the Zululand ; but not only and not directly, but indirectly. That what marked us missionaries chiefly, feeling it unsafe for ourselves in Zululand, was the state of unsettled boundary question, and the conviction that the illegality and insolence of the Zulus would compel the English Government to an armed demonstration, if not to a war with the Zulus. That what caused me and more other missionaries directly to leave the Zululand for Natal was that his Excellency Sir Th. Shepstone advised us to go out, and so I went out 15th April this year.

I have no objection if you would make it public ; what I have written is true.

I have, &c.

(Signed) H. Kück,

German Missionary, 16 years resident in Zululand.

SIR,

Sinkwazi, December 10, 1878.

IN reply to your honoured communication, I hasten to give you the desired information ; it will refer to our German Hermansburg Mission Stations in South Zululand, with the exception of one case, the Norwegian Station Etyowe, in Northern Zululand, where we have also five stations. I am not well acquainted, and can accordingly give no information as to acts of violence that may have taken place there.

1. Amongst my 20 baptised Zulus at the Station Embalazi there was a young man who was a particularly good and upright Christian. In the year 1865 he had been baptised, and received the name of Daniel, his conduct as a Christian could in every respect be considered as exemplary. In consequence of this he had to suffer much from Zulus and from bad Christian Kafirs.

By the Zulus he was looked upon as Umtagati, but up to the year 1876 he had not to suffer any act of violence worth mentioning.

On the 14th February 1876, however, there came an impi armed with guns, assegais, and sticks to my station.

They demanded of me that I should call all my people together, as there was an Umtagati amongst them, him they wanted to drive away, he might go and live in Natal.

Of course I decidedly refused their demand, and moreover threatened them that I would give King U' Cetywayo notice of their proceedings. I spoke to them for about an hour and a half, and obtained a clue as to the person whom they described as Umtagati.

It was the aforesaid Daniel, whom they wanted to drive away as such. While I was speaking to them Daniel had, without my knowledge, heard of this and fled. This was fortunate for him, for they left me in a rage to look for Daniel in his house, but they did not find him, otherwise they would, perhaps, not have killed him, but have beaten him till he died.

Daniel could now no longer remain with me, but resided with his brothers, four miles distant, in a kraal.

I threatened the leader of this band, who is a chief named Sesman, living near to my station and otherwise friendly to me, but only perhaps on account of the frequent presents I gave him, that I would report his violence to U' Cetywayo, and this frightened him, as he had on his own account come with an impi.

Daniel had been indicated as Umtagati by four witch doctors, and I have no doubt that if this had been reported to the King, he would have had him put to death, or at least driven out of his country.

Sesman and his band had been in too great a hurry, and by means of my reiterated threats to report to the King, I persuaded him to have the accusation against Daniel as Umtagati openly discussed in my presence on the station. This took place on the 13th May 1876. Sesman with his band and many other Zulus were present, and also Daniel and his brothers. The latter now had an opportunity to defend himself against all false accusations that had been raised against him; this he did triumphantly, his innocence was made evident, and after a few days he returned to my station.

As I could, however, not trust the Zulus, since anybody once reported as Umtagati is sooner or later murdered, I sent Daniel a few months later to the seminary for natives at our station Ehlazeni in Natal. Often did I feel glad that I had done this, for one year later, when U Cetywayo persecuted and killed the Christian Kafirs, Daniel assuredly would not have escaped that fate.

The first of our Christian Kafirs in Zululand who was killed as Umtagati by order of the King U Cetywayo was Joseph. He lived at Enjezane with the missionary Fröhling, by whom he had been taught and baptised more than ten years ago.

Joseph was accused as Umtagati by a servant of U Cetywayo, named Usintwanga, who lived near the mission station. Joseph was charged with having killed Zulus by means of poison, which he had bought from Bishop Schroder in Zululand, and which he had put into the flesh of diseased cattle.

I need not enter any further into this false and untenable charge, suffice it, that Joseph was considered Umtagati, and was murdered. This took place on the 4th March 1877. It was Sunday, in the early morning at 6 o'clock, an impi of some 50 men, armed with guns, came down on the station, surrounded Joseph's house, and forcibly dragged him out.

Missionary Fröhling was just about to hold morning service with his people, he (Fröhling) went up and wanted to deliver Joseph out of the hands of his murderers, but was prevented by them, and threatened as the Zulus pointed their loaded guns at him.

Joseph was first beaten by his murderers till the blood ran down, and then tied up to a tree, close in front of Fröhling's house, so that Mrs. Fröhling and her children could see them from the stoep. For more than two hours Joseph had to stand tied up to the tree, and during this time his murderers constantly came and administered blows to him with their sticks. As his body was covered with blood and wounds he was terribly tormented by flies.

His murderers also fired their guns at Fröhling's other people, there being some 50 shots fired during the two hours. Fröhling's people being frightened, all ran away.

When at last the murderers had taken Joseph's cattle for themselves, they unbound him and dragged him to a great pool of water, about a mile from the station, tied him to a tree, killed him by a shot, and cast him into the water to be food for the crocodiles.

When this terrible scene had been enacted a great Induna (chief) named Umbilwana, who lives in the neighbourhood of the station, came and pointed out to Missionary

Fröhling that this Impi was sent by the King U Cetywayo for the purpose of killing Joseph as Umtagati.

It is therefore clear and evident that Joseph was murdered by order of U Cetywayo, and that without his case having been tried.

But in this way U Cetywayo ever dispenses justice, namely, when the witch doctors have accused anyone whatsoever as Umtagati, it has perhaps been in one out of ten cases that U Cetywayo has pronounced the accused innocent.

Mrs. Fröhling became very ill in consequence of the shock the above scene gave her, so that Fröhling had to leave the station with his wife and children in order to stay for awhile in Natal.

The second who was murdered was a man of the Missionary Oftebro at Etyowe. He was killed about eight days after the murder of Joseph, and that because he intended becoming a Christian.

The third, named Jacobus, was murdered about a month later. He had been baptised seven years ago, but was not a good Christian, and accordingly lived in the kraals more than at the station. He was not killed as Umtagati, nor as it is said by order of U Cetywayo, but on account of the covetousness of a Zulu.

2. Many murders and other horrible acts of the Zulus practised amongst themselves I could enumerate, but these exercised no influence on our forsaking my mission Emlalazi in Zululand.

There were other grounds for this, as far as I personally am concerned, and as regards other missionaries I believe there were not only my grounds, but others as well.

When the two above-named Christian Kafirs had been murdered by order of U Cetywayo great fear fell on my people; they came to me and said they intended leaving Zululand; this they did twice, but I quieted them and persuaded them to stay; but when impis were repeatedly sent to other stations too, in order to kill Christian Kafirs or to drive them away (those so threatened having, however, in the meantime escaped) the excitement greatly increased. The anxiety of my people became still greater upon U Cetywayo's sending to order four of them up to build a house, such as the white people have. They had already before built two such houses for U Cetywayo, but on this occasion they were privately informed that one of them would be killed at the King's place.

In addition to this a report spread amongst the Zulus that the white people were in a short time coming to fight against them. My people were no longer certain of their lives amongst the Zulus, and they, as well as I, might expect an impi at any time on the station for the purpose of murdering some one or other, I resolved at last to let my wife and children go to Natal for a few months. They were scarcely gone, however, when all my people also went. I, who had resolved to stay, had now also to leave Emlalazi, as I had no people with me on whom I could depend.

I had been away scarcely one month, when I received information that John Dunn had asked Cetywayo for my station, had occupied the same, and would not have me return. I would otherwise, after some time, have been able to return to Zululand with the other missionaries; so I had to accept the inevitable, though it would be hard for me to see how John Dunn has carried on at my station.

3. I leave it entirely with your Excellency to make such public use of my communications as your Excellency may desire.

I remain, &c.

To the Right Hon. W. Littleton,
Private Secretary.

(Signed) F. VOLKER,
German Missionary.

No. 5.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 30, 1879.)

High Commissioner's Office, Pietermaritzburg,
December 30, 1878.

SIR,

IN continuation of the reports I had the honour of forwarding in my Despatch of the 9th instant,* on the condition and state of feeling of the natives on the Eastern Frontier of the Cape Colony, I now transmit some very interesting extracts from a letter addressed to my private secretary on this subject by the Rev. A. Maggs, of St. Luke's (Church of England) Mission Station, which is situated about half way between King William's Town and East London, and near the chief kraals of the T'Slamibi section of the Gaika Amaxosa Kafirs.

I have, &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 5.

EXTRACTS from a LETTER to the Hon. W. LITTLETON, Private Secretary to his Excellency
Sir B. FRERE, Governor and High Commissioner, from Rev. MR. ALBERT MAGGS.

St. Luke's Mission, Newlands, Fort Jackson,
November 26, 1878.

* * * * *
I hardly know what to say in reply to his Excellency's question "How the war and its results have affected my mission and work?" as I am reluctant to commit myself to any premature conclusion. The commotion consequent upon the irruption of rebellion has lulled certainly, but it has not yet fully subsided. One of the chief causes for this may, I think, be found in the inability of the Government to carry out at once its proposed measures for the permanent settlement of the natives.

Nothing but the actual carrying out of those measures will disabuse their minds of the erroneous conceptions they have formed of them. The injudicious talk and writing of many Europeans, misunderstood by the natives, increases their misgivings. Strange rumours are at times afloat, sufficient to keep the native mind in a state of suspicion and unrest as to the intention of Government towards them. At one time it was rumoured here that this mission and location were to be broken up and the people sent across the Kei as the Gaikas had been. I believe that the removal of the latter to so fine and rich a country is to their advantage. Nevertheless, I cannot shut my eyes to the fact that it does not appear to those who, against their will, have been compelled to leave the locality to which they were so fondly attached. The action of the Government is regarded by many, not only of those who have had to go but by others of their countrymen, as an injustice, and it gives a handle to those who, in order to stir up their countrymen to a common rebellion, urged that "this settling still would do no good." I confess that I fear it has left a rankling sense of injustice in the minds of many, and sown the seed of very unpleasant fruit, to be reaped hereafter. Whenever I had the opportunity I have endeavoured to convince the people that the course the Government pursued proves that the loyal Gaikas were not being punished as rebels. I trust that the fears sustained by the people here are now removed, as the resident magistrate of East London informed them in person and in the name of the Government that this would be continued as a location under the new Act of Parliament, and that as soon as convenient individual titles will be issued to the residents.

No sooner, however, is this matter set at rest than another rumour to the effect that now they had given up their arms, the whole or part of their cattle are to be taken from them is started among them. This I assured my informant is not the case, and that the people may rest assured that, notwithstanding the hints and false statements of unprincipled men, the Government has no other wish than to do what appears to it to be for the general peace of the country and for their own prosperity.

From all I can gather there is no general conviction that the war is really at an end. The fact that Kreli and his sons are still at large, though still sought after, and the reports floating among them of reverses to the troops in the Transvaal, tend to keep up the idea that peace is not established even in these parts.

As regards the central station of my mission, the war has left us without inflicting any material damage. The loyalty of Newlands people was severely tested on the day we were visited by the memorable patrol, but particularly so afterwards by the conduct of some small patrols from McLean. On one occasion a patrol from that village was in the act of driving away some cattle belonging to the inhabitants of our commonage. Fortunately the alarm was given in time for the headman to get them quietly back. On another occasion a patrol from the same village robbed some outlying gardens of mealies and pumpkins, I suppose through ignorance of the boundaries of the location. That the loyalty of the Newlands Kafirs was no "sham" is further proved by the number of rebels apprehended by them and handed over to the authorities, and also by the attack made by a small body of rebels on an outlying kraal within a mile of my house, in which they killed one man, wounded another, and carried off 12 head of cattle.

I am happy to be able to state, that not a single Christian Kafir belonging to this mission has joined the rebellion, nor do I know of any heathen belonging to this location who did.

The population of the location, as well as of the mission proper, has increased in consequence of many of the refugees who previously lived on private farms and elsewhere having no other place to go to.

During the heat of the rebellion, crowds of heathen attended Divine service in our church, but this, I am given to understand, was done as an expression of sympathy with me, and to secure my stay with them rather than from any desire to hear the word of God. I regret that for the most part they have returned to their old habit of non-attendance.

With the increase of the population on the Glebe, the number of children attending the day schools has increased, and in consequence of the distress I have been obliged to take four Kafir boys into a boarding establishment free of charge.

The moral effect of the war has been similar to that which war and rebellion has, even on races of greater religious and civilizing attainments. Some of our Christians have not been able to stand the severe test which the times imposed on them. Particularly has this been the case with some Fingos forming part of my charge, who joined one of the native levies. It has been my painful duty to exclude five from Holy Communion for gross misconduct during the war.

My second principal station, St. John the Evangelist's, Kabusi River, Gaika country, is totally destroyed, by whom I cannot positively say; I believe, it was done by McKinnon's Kafirs, but I have heard vague hints which tend to throw a part at least of the work of destruction upon the Colonial Forces. From their vagueness I regard the latter rumour as untrustworthy. Before the fight at Draibosch, the Fingo deacon in charge was warned by order of Sandilli (as the latter had previously promised he should be when there was real danger) to retire with his people to a place of refuge. Without exception all the Christians, and a few of the neighbouring heathen, left their homes and accompanied the missionary to Peulton, where the most part remained, whilst a few came to Newlands. The church, schoolroom, and mission house, and every native dwelling on the Glebe were burnt, together with such furniture as they could not take away. The most of these people are now in sadly reduced circumstances, and some are in absolute want.

In consequence of the refusal of the Government to make the Glebe the centre of a native location, they are unable to return to their old homes, and as they do not wish to go across the Kei, they are at the present moment very much scattered in order to obtain the necessaries of life.

My out-station work has been greatly interrupted, as several of the preaching places were on private and Government farms. The operation of the new law on native locations, &c., will prevent the return in any number or any given farm, so that we must await their settlement under the new regulations, ere the out-station work will resume its former proportions.

I have not seen a copy of the new laws, which especially bear upon the future government of the natives. The few suggestions which in response to his Excellency's invitation I venture to make, may have been already anticipated and put into good working form; but before entering into particulars I would remind his Excellency that the success of any measures intended for the good of the people depends to a great extent upon the manner and spirit in which they are brought into operation. No advantage would be lost, but much may be gained by all officers of the Government whose duty it is to introduce these measures, acting in a "paternal" rather than an official manner. Explanations for the reasons for the change and clear statements of the object the Government has in view, would do much to secure the ready acceptance of even irksome laws, and

tend to draw out the affections of the common people towards a Government whose object they could not but see was to secure their individual well being. It is already patent to all who look below the surface of things that a spirit of distrust in, and of antipathy towards the Government, is on the increase, which if left alone will develop into hatred of the Government and the white races, and produce some bitter fruits. It is on this account that I regret the inability of the Government to carry out its proposed measures at once, and in such a way as to prove to the natives that they are and still will be regarded as true British subjects. Of course any new measure will elicit some amount of opposition and a larger amount of grumbling, but if the explanatory method is adopted the force of the opposition will be lessened, and time will reconcile them to the change.

I.—LOCATIONS, &c.

The principle of the isolation of locations has, I believe, been recognised. Wherever new locations are laid out no two should be contiguous, but considering the pastoral habits of the people, a liberal allowance of grazing ground should be made to each location. The rapid increase of the population will even then make the limits too narrow in the course of a few years, during which they are being trained to other habits of life.

Some regulation should be made to prevent overcrowding on the building sites to be allotted to them, and each individual adult residing on another man's erf should be able to show how or by what means he provides for his livelihood. This is desirable to protect the industrious, who have not yet learned the virtue of saying no, from being imposed upon by their lazy countrymen, and from being thus deprived of their hard earnings.

The grant of ten (10) acres of garden land to each adult male or head of a family is, I think, sufficient for the ordinary native. Headmen should, however, get more, and I would suggest that in addition to the grant, a number of garden plots within the location should be surveyed and sold by competition to the native resident grantees, particularly to those who by their previous industry have shown themselves anxious to cultivate the soil for a living.

All lands, whether grants or purchases, should be inalienable for a period of at least 21 years in order to secure the owners during their pupilage from becoming the victims of unprincipled men, who would induce them to contract debt on the security of their land. (It would be of great benefit in the advancement of the natives if debts were unrecoverable by law from them. The credit system in their present ignorant state is doing them much harm and leading them to blame the Government for what is the result of their improvident folly.)

To prevent confusion through their ignorance of "will making" in the disposition of property, all landed property should be entailed to the first-born son of the lawful wife.

The location should consist of a number of smaller villages laid out within a given area, so as not to shut up or spoil the commonage, but for sanitary reasons not too near each other.

To protect the commonage for the use of the natives residing in the location, someone (the native headman or resident inspector), should be authorised to impound all cattle not belonging to waggons out spanned, or drovers on their way to other places, found grazing on the common lands. Some individuals living near native locations consider they have a right to the free run of the commonage for their own stock, but as soon as cattle belonging to the natives cross over the boundary and trespass on their private farms, they seize them and demand payment, or send them to the (generally distant) pound.

No canteens, or sale of intoxicating drinks, should be allowed on the location.

II.—INSPECTION, &c.

This should be thorough to be of any real service, but no special tax should be imposed upon the natives alone to secure it. The inspector should reside in the midst of the location, and not as is at present the case in connexion with Newlands, six miles or more distant; and such magisterial powers should be given him as will enable him to administer justice in minor cases on the spot. If this cannot be carried out, a native headman should be appointed as sub-inspector of two or more locations, or directly under the control of the resident magistrate of the district. Unless recognised courts are held within the location by a nominee of the Government, whose decision shall be subject to revision by the resident magistrate of the district, the natives will have

recourse to their own petty chiefs for settlement of disputes, or, what would be worse drift into a state of lawlessness and anarchy.

It is necessary (if passes are still to be required) that some person in each location should be authorised to issue them. If a Kafir from Newlands, or from the neighbourhood of Potsdam, wishes to go to East London, or elsewhere, he has to travel a long distance to and from the inspector's residence, and if the latter happen to be away from home, he has to repeat the journey unless he runs the risk of imprisonment for being without a pass.

As far as I can see of the working of the present arrangement in this neighbourhood, the effect is to increase the irritation without securing any advantage to the Government or the people.

It would tend to the less frequent miscarriage of justice if all magistrates, judges, and others who have to adjudicate in Kafir cases, were compelled to acquaint themselves with the Kafir language.

III.—EDUCATION.

In order to the more rapid diffusion of education and the abolishment of the present invidious distinction between "school" and "raw Kafirs," the Government should be prepared to provide sufficient school accommodation in each location, it being beyond the present means of missionary associations to do so. Then within the limits of the location, or within a given distance of the school, all children under a stated age should be compelled to attend. And it should be the duty of the inspector or headman to see that they did so.

IV.—MISCELLANEOUS.

In connexion with the employment of free labour on public works, the local government authorities should take the payment of native employees into their own hands, or the Government should have nothing to do with the procuring of the labourers. At all events at such times of distress and scarcity, rations should be found for the men, and a money payment of at least 1s. 6d. per diem in addition made. When men with families have to provide their own rations, and are obliged to obtain them from the contractors or traders on credit from month to month, it is easy to believe the statements of those who complain, that after working for a month little or nothing is left whereby they can help their families, for whose support they had left their homes and sought for work. I have been told of the sum of 2s. being all that a man had to get at the expiration of a month's service.

Polygamy.—In order to check polygamy, not only should landed property be entailed as before suggested, but a marriage contract before some lawful marriage officer should be hereafter insisted on. Marriage by Kafir law only should be punished by the reversion of land to Government. A second woman living as the recognised wife or concubine with a native man should render the man liable to prosecution and punishment as a bigamist, excepting, of course, all such cases as have arisen before the new law on the subject.

Clothing.—In making clothing compulsory, it would be sufficient to recognise a pair of trowsers or knickerbockers, and a simple blouse. The European style of dress is not adapted to Kafir habits of life, whilst it is very expensive; it would therefore be well if the Government could issue samples (and secure the importation, or production in the Colony, of a considerable number of the compulsory costume) of cheap, soft, warm material of a standard pattern, and compel the men to wear at least such garments when appearing in public. At the risk of being counted chimerical, I would suggest that a prize be offered for the most suitable costume, combining neatness of pattern, warmth, and durability of material with cheapness; first, in its simplest form, and secondly, in more elaborate styles. The widespread adoption of the compulsory clothing might possibly lead to the general use of the standard costume by Christian natives, instead of inferior European styles.

Huts. &c.—Every encouragement should be given for the improvement of their dwellings, by lessening the amount of tax on the best planned and best built hut or house.

Town Locations.—This is a subject which demands greater consideration from all parties concerned than it has hitherto received. The special attention of the Government should be given to the manner in which they are laid out and governed, and it should not be left to the fancy or caprice of every municipal council or corporation. It would be better if they could be dispensed with altogether, and the coloured population scattered about among the white inhabitants of the towns; but as this cannot, I suppose, be carried out

in such a Colony as this, the Government should insist on a suitable and permanent site being set aside by every town as a location for its native labourers. (2.) That plots of ground not less than 50 × 30 feet for each dwelling, should be marked out as building lots, with a street between every double row as in towns. (3.) That titles to the plots should be obtainable on certain conditions, say the building of a decent house of a specified value. (4.) That on being able to comply with the conditions, the individual should not be confined to the ownership of one plot, although a limit as to the number held by one person should be named. This would lead to the erection of houses for the accommodation of temporary workmen by permanent native residents. (5.) That cleanliness and order should be maintained by the appointment of an efficient inspector, with power to carry out his task. * * * *

* * * There is a considerable amount of distress among the natives, and sufficiently remunerative employment is very scarce. They are all busy ploughing, and many additional acres of land are this year being cultivated. This of course prevents many from leaving their homes in search of employment. I am quite perplexed to know what to do for their relief under the circumstances. * * * *

I am, &c.
(Signed) ALBERT MAGGS.

No. 6.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART. G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Feb. 6, 1879.)

High Commissioner's Office, Pietermaritzburg,
Natal, December 26, 1878.

SIR,

I HAVE the honour to forward for the information of Her Majesty's Government copy of the Proclamation issued upon the annexation to Her Majesty's South African possessions of the St. John's River mouth and tidal estuary.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 6.

THE CAPE OF GOOD HOPE GOVERNMENT GAZETTE.

Friday, September 6, 1878.

PROCLAMATION by his Excellency the Right Hon. Sir H. B. E. FRERE, BART., &c. &c.

THE various tribes of Pondos having been protected from the Zulus and other enemies by the British Government, and having by their friendly conduct shown their gratitude for such protection, were admitted by Sir Peregrine Maitland, Governor and Commander-in-Chief of the Cape Colony, to treaty arrangements with the British Government in 1844.

The terms of the Treaty were extremely favourable to the Pondos, securing to them the friendship and protection of the British Government, and in return the Pondos bound themselves to a position of allegiance to the British Crown, undertaking, among other conditions, to afford no shelter to the enemies of the British Government, and to surrender to justice all criminals accused of offences in British territory, who might take refuge in Pondoland.

To this treaty, Faku, who was then paramount Chief, and his son Damas, both since deceased, were parties.

When Umquikela succeeded Faku as paramount Chief, he was admitted to all the rights and privileges enjoyed by his father.

But of late years Umquikela has not followed in his father's footsteps, by behaving as his father did towards the British Government.

He has knowingly harboured criminals who had committed murder in British territory.

He has repeatedly refused to deliver such murderers up to justice, assigning no good cause for his refusal, and treating the demands of the British Government and its officers with neglect, and has evinced in many ways an unfriendly and hostile disposition towards the Government.

Lately, when rebellion was attempted in a neighbouring British district, he not only gave friendly shelter to one of the rebel leaders, but sent him back into British territory with an escort, which took part in acts of plunder and threats of murder to European Colonists, joined the rebel camp, and after hostilities had commenced, and Colonial subjects had been plundered, made prisoners and murdered, only surrendered and laid down their arms when they saw that resistance to the force embodied by the magistrate, Captain Blyth, for the restoration of order was hopeless.

Even then Umquikela made no offer of reparation, amends, or even of apology, but maintained his attitude of contemptuous disregard of the remonstrances and demands of the British Government, till a force of Her Majesty's troops approached his borders, he then, through his agents, admitted his breach of his treaty engagements, and offered to pay a fine of 1,000 head of cattle.

But Her Majesty's Government does not desire to take his cattle. The ingratitude and misbehaviour of Umquikela and his servants would have justified the forfeiture of all the power and property he possesses as a Chief, but, bearing in mind the former good conduct of the late Faku and his people, the Government decides to inflict only such punishment as is absolutely necessary to obtain security against any repetition of such misconduct in future.

The following terms are the terms therefore, which are imposed on Umquikela:—

He will no longer be recognised as paramount Chief of the Pondos. The sons of Damas, and all other Chiefs formerly subordinate to Faku, who have behaved loyally to Her Majesty's Government, and who now desire to come under direct relations with that Government, will be allowed to deal directly with the British Government as the sole paramount authority in Pondoland, through residents or magistrates, who will be appointed to manage all relations between the Pondos and the Government.

Umquikela will not be permitted to exercise any control or authority over the navigation of the St. John's River. The sovereignty over the port and tidal estuary of that river is declared to be vested henceforth solely in Her Majesty's Government, and officers will be appointed on behalf of that Government to control its navigation and to levy any customs or port dues which it may be determined to impose.

All Chiefs and people are hereby required to obey any orders of Her Majesty's Government which they may receive through the Resident.

As long as the Pondos are loyal to Her Majesty's Government they will be protected in the peaceful enjoyment of their lives and property, and will be aided in every way to advance their own prosperity.

GOD SAVE THE QUEEN.

Given under my hand and the public seal of the Colony of the Cape of Good Hope, this 4th day of September 1878.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

By Order of the Governor and High Commissioner.

(Signed) J. GORDON SPRIGG,
Colonial Secretary.

GOVERNMENT NOTICE.—No. 760, 1878.

Colonial Secretary's Office, Cape of Good Hope,
September 4, 1878.

WITH reference to the foregoing Proclamation, No. 68, of even date, it is hereby notified that Major Elliot will act as Resident for all the tribes on the right or western bank of the St. John's River, on a salary of 800*l.* per annum, and the Rev. J. Oxley Oxland for all on the left or eastern bank on a salary of 600*l.* per annum.

They are hereby directed to submit a joint report as to the subordinate assistance they will require, their place of residence, &c., and the position of the Customs House and Customs Establishment.

The rates of customs to be levied will, for the present, be those of the Cape Colony.

By order of the Governor and High Commissioner.

(Signed) J. GORDON SPRIGG,
Colonial Secretary.

No. 7.

LIEUTENANT-GOVERNOR SIR H. BULWER, K.C.M.G., to the RIGHT HON. SIR
MICHAEL HICKS BEACH, BART. (Received February 6, 1879.)

Government House, Maritzburg, Natal,
January 3, 1879.

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch of the 30th October last.*

2. With reference to the remarks contained in paragraphs 3 and 4 of the Despatch, I have the honour to state that the circumstances of the case referred to appear to show that there was an omission on the part of the contractors or their agents to comply with the provisions of the laws of the Colony, and also an omission on the part of the Protector of Immigrants' Department to see that the law was carried out.

3. It would seem that Messieurs Wythes and Jackson, the contractors, requiring labour for the railway works, sent their agent, Mr. Arthur Shepstone, to the Zulu King, with the view of obtaining labourers from Zululand through his assistance.

4. Mr. Arthur Shepstone came to an agreement with the Zulu King, and entered into the arrangement which was reported in my previous Despatch. The contractors do not appear to have sought the consent of this Government before taking this step, as they ought to have done, or to have obtained a license from the Government for importing labourers into the Colony, as they were bound to do under the provisions of Law 15 of 1871.

5. The first batch of Zulu labourers, 150 in number, obtained from the Zulu King entered Natal in the month of February 1877. The Border Agent thereupon reported that they had done so without a license. The contractors on being communicated with, alleged that they had obtained verbal permission from the Colonial Secretary. The Colonial Secretary, however, denied having given this permission.

6. The Attorney-General, to whom the matter was referred, reported that there had been a double infraction of the law, first, in bringing the men into the Colony without a license, and secondly, in not taking the men, after their arrival in the Colony, to the nearest magistrate's office, there to enter into a written contract of service, and to afford the men the privilege of entering into any other service they might prefer. The penalty incurred on account of the first-named infraction was waived, but it was directed that the other provisions of the law should be enforced, and that the men should be taken before a magistrate, in order that the necessary contract should be entered into and the other requirements of the law complied with, and the Protector of Immigrants was instructed by a letter from the Colonial Secretary's Office, dated the 22nd March 1877, to see that this was done.

7. This instruction does not seem to have been carried out, and herein was the failure in the transaction. The Protector of Immigrants appears, indeed, to have written a letter in furtherance of this instruction to the contractors, but no reply was ever received from the latter.

8. I send a copy of the Protector of Immigrants' letter, dated the 14th April 1877, and a copy of the present Acting Protector of Immigrants' letter in explanation, dated the 28th December 1878.

9. The opinion of the Attorney-General is that the law is sufficient, and that what is required is that the Immigration Department should insist upon due compliance with its provisions.

He says, indeed, that the law makes no provision restricting the recruiting of labourers to any natives of the adjacent territories, and it is not possible to ascertain under the law what natives are forced by their Chiefs to come to work in the Colony, or what natives come of their own free will, under engagements to work. The natives, on their arrival in Natal, are, or ought to be, taken before a magistrate, when they are free to object to the service for which they may have been engaged, and are free to enter into any other agreement of service. But it is probable that many who are ordered out to work by their Chiefs, and sent into this Colony to work, do not avail themselves of this protection. A copy of the law is enclosed.

I have, &c.

(Signed) H. BULWER,
Lieutenant-Governor.

The Right Hon. Sir M. E. Hicks Beach, Bart.,
&c. &c. &c.

* No. 104 of [C.-2220] of December 1878.

Enclosure 1. in No. 7.

PROTECTOR OF IMMIGRANTS to Mr. IZARD.

Immigration Department, Durban,
April 14, 1877.

SIR,

WITH reference to your letter of the 5th ultimo, regarding the introduction of labourers from beyond the borders of the Colony without a license, I have now to inform you that the Government can give the contractors no exemption from the law in this matter, and have to request that the prescribed contract of service shall at once be entered into with the men so introduced, in terms of section 17, Law 15 of 1871, if this has not been already done.

W. G. Izard, Esq.,
For Messrs. Wythes and Jackson,
Durban.

I have, &c.
(Signed) M. McLEOD,
Protector of Immigrants.

Enclosure 2. in No. 7.

MINUTE.

ACTING PROTECTOR OF IMMIGRANTS to COLONIAL SECRETARY.

December 28, 1879.

I ENCLOSE copy of a letter addressed on the 14th of April 1877, by the late Protector of Immigrants, Capt. McLeod, to Mr. W. G. Izard, in compliance with the instructions contained in R⁷¹¹₁₈₇₇, herewith enclosed.

2. No reply has ever been received to this communication, but the Protector was informed at the time that all Kafirs employed by the railway contractors were, on engagement, taken before the nearest resident magistrate, and their contract explained to them.

(Signed) LOUIS H. MASON,
Acting Protector of Immigrants.

Enclosure 3. in No. 7.

LAW (enacted by the LIEUTENANT-GOVERNOR OF NATAL, with the Advice and Consent of the LEGISLATIVE COUNCIL thereof) "to facilitate the obtaining of LABOUR."

Preamble.

WHEREAS it is expedient that masters and servants should have greater facilities for entering into contracts with each other, that servants should have better opportunities for obtaining employment, and that when more servants are wanted they may be obtained from neighbouring countries, and for that purpose to repeal a portion of Law No. 13, 1859, and make suitable provisions in this law.

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Law
13, 1859, as to
overland intro-
duction of
labourers.

Employer's
bonus to
labourer
(where agreed
to be paid) to
be received by
officer attesting
contract,

and deposited
in Government
Savings Bank.

On completion
of service to be
paid over to
servant, failing
objection by
master.

In event of
dispute be-

1. That Law No. 13, 1859, shall be, and the same is hereby repealed; as far as regards the introduction of labourers overland.

2. When and so often as it shall be stipulated as a condition of any contract of service that any sum of money shall be paid as a bonus by the employer to any labourer before or at the time of signing the contract of service, the resident magistrate or other officer empowered thereto shall be required to receive on account of such labourer such sum of money, or such part thereof, as he may be requested by the contracting parties to receive. All such contracts shall be duly registered by the resident magistrate or other officer as aforesaid in a book to be kept for that purpose.

3. All such sums of money so received as aforesaid shall be deposited with the resident magistrate of the district, and be paid by him into the Government Savings Bank, to be invested at interest, for the purpose herein-after mentioned.

4. That on the expiration of the term of the said contract, the resident magistrate shall, on the application of the servant, pay over to him the amount of the bonus, with interest then due thereon, provided no objection thereto shall have been previously given, in writing, to the resident magistrate by the said master.

5. If any dispute should arise between the said master and the said servant, and such dispute be referred to the resident magistrate for adjudication thereon, and if the

resident magistrate should annul the contract of service, or if, at the expiration of the contract time, the master should object to the servant receiving the bonus and interest as aforesaid, the resident magistrate shall decide whether the said sum of money and interest, or how much thereof, if any, shall be paid to the said servant; and whatever amount is not paid to the said servant shall forthwith be paid to the said master: Provided that the receipt of such money by the said master shall not in any way interfere with his right of action at law for damages caused by breach of contract.

tween master and servant, the resident magistrate may decide as to awarding bonus.

6. That any person in want of servants may make application, in writing, to the resident magistrate of the district in which such person resides, and such application shall state what number of servants are required by such person, for what period, and at what rate of wages he wishes to hire them. And the resident magistrate shall enter such application in a book to be kept for that purpose.

Requisitions for servants may be made to resident magistrate,

7. On receipt of any such application by any resident magistrate, he shall take sufficient steps to inform the natives residing in his district that they can obtain employment on making application at his office.

who shall inform Natives.

8. That when a servant makes application for employment to a resident magistrate such application shall be entered by the resident magistrate in a book to be kept for that purpose; and the resident magistrate shall cause the said servant to be told the names of the persons who have made application for servants, and the conditions on which such persons wish to engage servants.

Servants' applications to be entered.

9. That returns shall be sent, on the first day of each month, or as near thereto as possible, by the resident magistrates to the Colonial Secretary, stating the number of servants who have applied for masters, and the number of masters who have applied for servants, and stating also how many masters and servants have entered into contracts during the month.

Labour returns.

10. Should such return show that the applicants for labour or for servants are in excess of the supply at more than one of the resident magistrates' offices, the Colonial Secretary shall forthwith publish in the "Government Gazette," and in each of the newspapers, a statement showing at which of the resident magistrates' offices such excess exists, and to what extent, and each resident magistrate shall on application supply to masters and servants all information in his possession respecting such excess of applications for labour or for servants, as the case may be.

Where demand and supply unequal at more than one magistracy, statement to be published.

11. When the returns from the resident magistrates show a considerable deficiency of servants, it shall and may be lawful for the Lieutenant-Governor to introduce the required number of servants from the countries beyond the borders of the Colony, and provide for the return of such servants to their respective countries, provided such servants shall have worked not less than one year in Natal.

In event of considerable deficiency of servants arising, Lieut.-Gov. to introduce servants from beyond the Colony,

12. One calendar month before sending for such servants the Lieutenant-Governor shall cause to be announced, once in the "Government Gazette," and once in all the local newspapers, his intention to send for such servants.

and previously publicly notify his intention of so doing.

13. That special application may be made to the resident magistrate by such employers as wish to have such servants sent for as before provided, such applications to be made by form, as in Schedule A. hereunto annexed; and it shall not be lawful for the resident magistrate to register such application unless he receives therewith a sum of ten shillings for each servant applied for in such application, which sum may be expended in the introduction of such servants, but such sum, or any portion thereof, not being so expended shall be within six months from the time of such application returned to the said applicant.

Special applications to be received and registered.

14. Before any of the said applications are complied with the said master making such applications shall sign an undertaking in the form provided in Schedule B. hereunto annexed.

Applicant to sign undertaking to pay expense of introduction.

15. It shall and may be lawful for the Lieutenant-Governor to grant a license, free of charge, to such persons as he may approve, to introduce labourers overland from countries beyond the borders of the Colony, on application being made to the Secretary for Native Affairs to that effect, and such license shall state the rate of wages to be given. Any person so introducing labourers from beyond the borders of the Colony without such written permission shall be liable, on conviction, to a penalty not exceeding 50*l.* or, in default thereof, to imprisonment for a period not exceeding four months.

Lieut.-Gov. may grant license to approved persons to introduce labourers overland.

16. Any labourers introduced into the Colony under the license of the Lieutenant-Governor shall, as soon as they have entered the Colony, and until they shall have entered into contracts of service in manner hereafter provided, be considered the servants of the persons so introducing them, and shall come under the provisions of Ordinance No. 2, 1850, except as affected by the provisions of this law.

Labourers to be deemed servants of introducer, until they have contracted with other persons.

Resident magistrate to supply messengers for safe conduct of labourers to destined magistracy.

Section 16 and 17 applicable to labourers introduced by Government overland.

Persons introducing immigrants to receive compensation, if they enter into contract with some other person.

Contracts to supply native labour in lieu of land rent, requisites of.

Wages thereunder to be paid to the labourers unless otherwise agreed.

Liability of person to whom labour is to be given thereunder defined.

Liability of persons contracting to supply such labour defined.

Action for damages under said contracts, when and how instituted.

Such damages against contractors recoverable as rent, to extent of 10*l*.

Duration of verbal and written contracts respectively.

Illegal clauses not to vitiate contract.

Disputes between natives thereunder triable under native law.

17. Each person so introducing such labourers shall proceed to the office of the nearest resident magistrate, who, on the application of such person, shall furnish, at the expense of such applicant as many native messengers as may be deemed necessary for the safe conduct of such labourers to the office of the resident magistrate of the county in which their services are required, and such labourers may enter into a contract of service with the person for whom they have been introduced under Ordinance No. 2, 1850, before the resident magistrate last mentioned.

18. The two last preceding clauses shall also apply to labourers when introduced overland by the Government.

19. If any labourer or labourers, after being brought to the office of the resident magistrate of the district in which his or their labour is required, should choose to enter into the service of any employer other than those who agreed with the agent for their introduction, such employer shall be bound to pay to the aforesaid agent such cost of introduction as shall have been previously agreed upon, and, in addition, ten per cent. upon such cost, to be paid to the person or persons who agreed with the agent for the introduction of such labourer or labourers, but have not obtained the number or proportion agreed upon.

20. And whereas it is further necessary to provide for the regulation of cases in which labour is agreed to be supplied in lieu of rent by natives residing on lands, the private property of any individual, that when and so often as a contract is entered into to supply other labour than that of the contractor, or in addition to the labour of the contractor, the number of servants to be supplied, the time during which each servant is to be employed, the amount of wages to be paid to each servant, and whether rations are to be given to each servant, shall be specified in such contract, and it shall be lawful for a resident magistrate to attest such contracts, but the attestation of a resident magistrate shall not be necessary to the validity of such contract, or for the validity of any other contract mentioned or contemplated by this law, but the person contracting to employ the labour specified in any such contract shall, in the absence of such attestation, be held responsible for reasonable proof that the contract was fully and correctly explained to the other contracting party.

21. All wages agreed to be paid by contracts under this law shall be paid to the servant actually working, unless otherwise provided in the contract.

22. Any person contracting for a supply of labour as provided for in clause 20 of this law shall be liable for the whole of the wages he may have contracted to pay, and rations he may have contracted to supply, notwithstanding he may not employ the whole or any part of the labour mentioned in the contract, but should any servant neglect or refuse to offer his or her services at the time specified in the contract, or should be willing to engage him or herself to any other employer, such person shall not be liable to employ or pay wages or supply rations to such servant.

23. The person or persons contracting to supply labour shall be liable for all damages caused by his or their failing to supply the number or class of servants mentioned in such contract at the time specified therein.

24. Any action for damages instituted by or on behalf of either of the said contracting parties, in respect of any breach of such contract, shall be instituted and tried in the court of the resident magistrate having jurisdiction, but such action shall not be sustained unless it is commenced within three calendar months from the date when the cause of action arose.

25. Whenever a contract to supply labour shall be accepted by the owner or occupier of land, in whole or in part, as rent for the use of land by the person contracting to supply such labour, and when damages shall have been awarded, and when the sum so awarded shall not exceed ten pounds sterling, the said sum shall be considered rent and be recoverable as such, and when the sum so awarded shall exceed ten pounds, that amount only shall be considered rent, and the balance may be recovered in the usual way.

26. Verbal contracts of service, or to supply labour, shall not be binding for a longer period than one year; and written contracts of service or to supply labour for a longer period than three years.

27. Should one or more of the stipulations of any contract entered into for the supply of labour be judged illegal, the remaining clauses thereof shall not be thereby invalidated.

28. Any dispute arising between native and native, with reference to any such contract, and brought before a resident magistrate, shall be adjudicated upon by such resident magistrate in his capacity as administrator of native law, and not otherwise, and such adjudication shall not be liable to review, except before the supreme Chief.

29. The provisions of this law shall have full force and effect, anything in Ordinance No. 2, 1850, in Ordinance No. 13, 1852, in Ordinance No. 4, 1855, in Law No. 18, 1862, and in Law No. 23, 1865, to the contrary notwithstanding.

Construction of this law as regards existing laws.

30. The Lieutenant-Governor in Council shall have power to pass, and publish in the "Government Gazette," and from time to time to alter, amend, vary, or annul, regulations for carrying out the provisions of this law, which regulations shall, after such publication, have the same force and effect as if verbatim embodied in this law.

Governor in Council may make rules.

31. The term "magistrate" occurring in this law shall mean the resident magistrate or assistant resident magistrate and no other, and the term "officer" shall mean any person appointed by the Lieutenant-Governor for the purposes of this law.

Interpretation clause.

32. This law shall commence and take effect from and after the promulgation thereof in the "Government Gazette."

Commencement of law.

SCHEDULE A.

To the resident magistrate of

I hereby request to be supplied with native labourers, with whom I hereby engage to enter into a contract of service before a resident magistrate, as provided for by law No. , for a period of months, and to each such servant I hereby engage to pay as wages shillings per month, and to give him sufficient rations, subject to the usual provisions of the contract aforesaid.

Signed

SCHEDULE B.

I hereby promise to pay to the resident magistrate of the of , on account of the Colonial Treasurer, for each native introduced from beyond the Colony at my request, when such native shall have entered into a contract of service with me for a period of 12 months, such expense as may have been incurred in the introduction of such native.

Given at Government House this Twenty-eighth day of November 1871.

By command of his Excellency the Lieutenant-Governor.

(Signed) D. ERSKINE,
Colonial Secretary.

No. 8.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Feb. 11, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
January 10, 1879.

SIR,

WITH reference to previous Despatches on the subject of the removal of the Gaikas from their former location in the Colony to Galekaland, I have the honour to forward for your information the enclosed papers, which I have received from the Hon. the Secretary for Native Affairs, extracts from whose covering letters of the 28th December last, and of the 4th instant, I also annex.

My ministers have informed me that so far all the intelligence received as to the Gaikas is of a satisfactory character. They are satisfied that where any destitution exists it is not the result of the removal of the tribe. Large numbers of the Gaikas were in a destitute condition in their old location, owing to the war and the drought, and had they remained there the Government must equally have been under the necessity of supplying the sick and aged among them with food, while, as regards their land, they are undoubtedly in a better position now than they were before. Not only is the actual soil better, but the Government proposes to give them what they did not possess in their old location, indefeasible individual titles in their plots of ground.

In their new district it will be possible to exclude canteens, and to prohibit the indiscriminate sale of spirits, which would not have been possible in the old Gaika Location.

Altogether I see every reason to hope that when once settled down, the Gaikas themselves will freely acknowledge that they are better off and happier in their new district than they could ever have been in the old one.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure 1. in No. 8.

Centani, Galekaland,
September 28, 1878.

SIR,

I HAVE the honour to report, for the information of Government, that in accordance with instructions received I left Grey Town on the 9th instant, and proceeded to the Mgwali Mission Station, where I found that in obedience to my orders the registered Gaikas had assembled, preparatory to their removal to the Transkei, arrangements having been previously made for rationing the people en route, and having further provided eight waggons for the transport of the aged and infirm and such property as the natives themselves were unable to transport.

I left Mgwali on the 10th instant. Depôts of supplies had been placed at intervals of about 12 miles, and the people were allowed to proceed by easy stages, and reached their destination on the 19th instant.

A careful registration was then made of the people, stock, &c., and they were draughted into the locations appointed for them by the Land Commission.

Each location, in extent about 20,000 acres, received about 250 families, the Gaikas from Grey Town filling up two locations of the above extent.

On the 22nd instant I returned to Toleni, and near there met Anta's people, being that section of the Gaika tribe located near Cathcart.

These people were under the charge of Mr. Shaw and Captain J. Maclean, who appear to have brought them through in good order and to have attended to their reasonable wants.

On the 25th instant these people were also registered and placed in two other locations of the same extent as those above mentioned, the number of families located being about 490.

I am glad to be able to report, that during the journey of the above people, only two deaths are reported to have occurred, and that the loss of stock, considering its condition and the state of the country, has been trifling.

The Fingos (a portion of whose country the Gaikas passed through) having been previously warned by their magistrate, had removed their stock from near the roads, so that no disputes arose from mixing of stock, &c., which otherwise might have caused serious complications.

I beg to enclose a return giving particulars and showing total number of souls and quantity of stock located.

In conclusion I beg respectfully to recommend that besides the magistrates that may be appointed to rule over these people, one inspector should be placed in each location, and that the provision of the Colonial Native Locations Act (two) should be put in force. I may add that as far as I have been able to ascertain, the people appear to be satisfied with their new locations.

By the permission of Government, when the Gaikas were originally disarmed, one tenth of them were allowed to retain their arms, and these are still in their possession as shown in the return.

I would recommend they be allowed to retain them for about a month until they feel more secure in their new country.

A meeting is to be held to-day at a convenient spot within the location, at which Captain Blyth, who is now present, will take over these people and relieve me from any further duties connected with them.

I have, &c.
(Signed) W. WRIGHT,
Special Magistrate with Gaikas.

The Hon. Colonial Secretary,
King William's Town.

RETURN showing Number of Natives located in the locations East and West of the Kobinqaba River, Gcalekaland, Nos. 1, 2, 3, 4, removed from Stutterheim District.

Locations.	Men.	Women.	Children.	Total souls.	Guns.	Assegais.	Cattle.	Horses.	Sheep.	Goats.	Remarks.
In the four locations.	1,019	2,278	4,367	7,664	98*	373	6,665	571	3,094	2,532	* In the number of guns registered includes 30 guns in possession of native policemen.

(Signed) W. WRIGHT,
Special Magistrate.

EXTRACT from a LETTER, No. 23, of the 4th November 1878, from the Chief Magistrate, Transkei, Captain BLYTH, C.M.G., to the Honourable the SECRETARY FOR NATIVE AFFAIRS, King William's Town.

IN "Galekaland" the locations in No. 1, or Kentani Division, are already settled with natives lately resident in the "Gaika" district. The people appear contented and satisfied with the country, but the great difficulty to contend with will be to provide food for them until next harvest, as many of the people are in a very destitute state.

Pending the further approval of the Government, Mr. M. B. Shaw has been placed as magistrate in this district of Galekaland, and, as I have already reported, Mr. Shaw entered upon his duties on the 1st of October last.

I have instructed that gentleman to be most careful in distributing food amongst the natives; that work is to be obtained from all those who are able; and that only the aged, infirm, and really necessitous women and children are to obtain a limited supply of food.

These instructions are carried out and a supply of mealies has been placed by the Colonial Commissariat at Fort Kentani for this purpose; and seed mealies are being obtained for distribution amongst the people.

(Signed) MATT. BLYTH,
Chief Magistrate, Transkei.

EXTRACT from a LETTER, No. 92, of the 2nd December 1878, from the Chief Magistrate Transkei (Capt. BLYTH, C.M.G.), to SECRETARY FOR NATIVE AFFAIRS, Cape Town.

I may state that I continue to receive from Mr. Shaw, the magistrate of No. 1, or the Kentani Division, in Galekaland, and in which district the "Gaikas" from the Colony are settled, the most satisfactory accounts of the state of his district. A very large quantity of land is ploughed up, and the people appear most pleased and satisfied.

Stealing amongst themselves has been rather too frequent, but stringent measures will stop this.

A number of the "Gaikas" have received passes to procure work in the Colony, and only the old and infirm, and women and children in want, receive corn.

A quantity of seed corn has been distributed amongst these people.

(Signed) MATTHEW BLYTH,
Chief Magistrate, Transkei.

Enclosure 2. in No. 8.

EXTRACTS from LETTERS of the Hon. the SECRETARY FOR NATIVE AFFAIRS to His Excellency Sir BARTLE FRERE, K.C.B., &c., &c., Governor and High Commissioner.

December 28, 1878.

* * * * *
* * * Captain Blyth reports very favourably on the condition and the prospects of the people in his districts, all being busily engaged with their ploughing, for which the late rains are so favourable.

The Gaikas appear happy in their new country, and their condition gives a very satisfactory contradiction to the impressions naturally created by the letter published by the

friends of the Rev. Mr. ———, in the English papers lately to hand. Knowing Mr. ———, as I do, and believing him to be an honest man, I am quite surprised that he should have written as he did in a matter on which he was so well informed. He knew right well, long ere the movement took place, that it was intended, and that the people were aware of it, that every provision had been made that was necessary for the comfortable conveyance of the aged and infirm by a plentiful supply of waggons, that food was being supplied to them, not only for the road, but also for many who were likely to want in their new locations, that even to this day provision is being made for the destitute, that instructions were given to those entrusted with the removal to see that nothing in reason was wanted that would prevent any hardship in the removal. In fact, more than was *really necessary* was done for the comfort of these people, all of which Mr. ——— is perfectly well aware of, and I must say, the way he has represented the removal is unjust to the Government.

I am the more surprised at the action of Mr. ———, seeing that a point was strained by the Government, whereby he was enabled to continue in the occupation of his present station, and in the charge of the people upon it, who could as fairly have been removed as the other Gaikas into Galekaland.

January 4, 1879.

* * * *

It will be seen that not only was all done that could reasonably be expected of the Government in the removal of the people who it was decided should remove, but that even up to this present, every effort is made to facilitate the obtaining of labour for those willing and able to avail themselves of that afforded by the public works of the Colony; that even to this time the aged and infirm are provided with food. In short, every report informs the Government that the people are improved, not injured by the change.

No. 9.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to LIEUTENANT-GOVERNOR
SIR H. BULWER, K.C.M.G.

SIR,

Downing Street, February 12, 1879.

I HAVE the honour to acknowledge the receipt of your Despatch of the 21st December,* relative to the mode of conducting correspondence between the Secretary of State and the Lieutenant-Governor of Natal, and I have to express to you my thanks for the valuable suggestions which you offer.

For the present, however, and in the absence of confederation, the arrangement proposed in the concluding paragraph of your Despatch appears to me to be sufficient, and I have to request that it may be at once adopted. I leave it to your discretion to decide whether it is more convenient to transmit the correspondence under flying seal or to furnish copies. I should not desire, so long as you are Lieutenant-Governor, so to alter the conditions of your appointment as to place you personally in a position of less consideration and responsibility than that which you have filled to the great satisfaction of Her Majesty's Government.

I have, &c.
(Signed) M. E. HICKS BEACH.

Lieut.-Governor Sir H. Bulwer.

No. 10.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to LIEUTENANT-GOVERNOR
SIR H. BULWER.

SIR,

Downing Street, February 13, 1879.

I HAVE the honour to acknowledge the receipt of your Despatch of the 28th December,† transmitting a copy of correspondence which has passed between Sir Bartle Frere and yourself on the subject of the Confederation of the South African Colonies.

I have, &c.
(Signed) M. E. HICKS BEACH.

Lieut.-Governor Sir H. Bulwer.

No. 11.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT
HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, February 13, 1879.

I HAVE the honour to acknowledge the receipt of your Despatch of the 30th December,* forwarding extracts from a letter addressed to your private secretary by the Rev. A. Maggs relative to the effects of the recent disturbances on the Eastern Frontier of the Cape Colony.

I have read Mr. Maggs' account of the state of native feeling in that district with much interest, and I am confident that the suggestions which he offers will receive from your Ministers the attention which they deserve.

Gov. Sir Bartle Frere, Bart.,
&c. &c. &c.

I have, &c.
(Signed) M. E. HICKS BEACH.

No. 12.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT
HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, February 13, 1879.

I DULY received your Despatch of the 10th of September,† forwarding a report which you had received from Lieutenant-General Lord Chelmsford, giving a full account of his proceedings in connexion with the annexation of the St. John's River Mouth, and I have now the honour to acknowledge the receipt of your Despatch of the 26th of December,‡ forwarding a copy of the proclamation which you issued on that occasion.

I have already, in previous Despatches, expressed my approval of the steps which you had taken in consequence of the conduct of the Chief Umquikela, and the unsatisfactory state of affairs in Pondoland, and I have now to convey to you the approval of Her Majesty's Government of the establishment of British sovereignty over the port and tidal estuary of the St. John's River, and of the manner in which that measure has been carried out.

Gov. Sir Bartle Frere, Bart.,
&c. &c. &c.

I have, &c.
(Signed) M. E. HICKS BEACH.

No. 13.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, February 14, 1879.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, the accompanying copies of Despatches from Sir Bartle Frere,‡ reporting the annexation of the port and estuary of the St. John's River, Kaffraria, and enclosing the proclamation which he issued on the occasion, together with a copy of a Despatch which Sir M. Hicks Beach has addressed to Sir B. Frere, conveying to him the approval of Her Majesty's Government.§

The Under Secretary of State,
Foreign Office.

I have, &c.
(Signed) ROBERT G. W. HERBERT.

No. 14.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT
HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., and LIEUTENANT-GOVERNOR
SIR H. BULWER, K.C.M.G.

SIR, Downing Street, February 20, 1879.

I HAVE the honour to transmit to you a copy of a question asked by Dr. Cameron in the House of Commons on the 18th instant concerning certain statements made in the

* No. 5. † No. 72 of [C.-2220] of Dec. 1878.

‡ No. 6.

§ No. 12.

Cape papers with regard to an alleged massacre of natives by Boers, near Kuegas, in Griqualand West, together with a copy of the reply which I returned to it.

I request that you will be good enough to cause a report to be made to me upon these statements, which are quoted from the "Cape Argus" of the 19th, 23rd, and 26th of November. I entertain a confident hope that these allegations will be met with as complete an answer as those which were made in connexion with the suppression of the outbreak in the early part of last year.

Gov. Sir Bartle Frere, Bart.
&c. &c. &c.

I have, &c.
(Signed) M. E. HICKS BEACH.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G.

Enclosure in No. 14.

"Times," February 19.

ALLEGED MASSACRES OF CAFFRES.

Dr. Cameron asked the Secretary of State for the Colonies whether his attention had been called to statements in the Cape papers regarding a massacre of natives by Boer volunteers near Kuegas, in Griqualand West; whether it was true that out of a party of 80 natives, possessing among them only two guns, upwards of 40, including 13 women and children, were killed, and 24 women and children wounded; whether it was a fact that after the whole party of natives had been killed, wounded, or captured, orders were given by the commandant of the Burgher volunteers to kill such of the wounded as could not walk; and whether, as stated, these orders were carried out on men and women alike; whether it was a fact that all the wounded women and children were deported into Cape Colony to be placed at service there as soon as they were sufficiently recovered from their wounds; and, if so, under what law did the deportation take place; and, if he had not already ordered an investigation into the truth of the statements referred to, whether he would take steps to have them thoroughly investigated.

Sir M. Hicks Beach.—My attention had not been called to these statements before I saw the notice of the hon. member's question. When I did so I thought they referred to some reports which reached this country last summer of occurrences which were alleged to have taken place in the suppression of the outbreak in Griqualand West. I inquired into the truth of these reports, and on page 325 of the Cape Blue-Book presented in December, and on page 116 of that last issued, will be found despatches from Colonel Lanyon denying the charges, and enclosing statements from the missionaries in support of his denial. The hon. member has, however, forwarded to me the newspaper extracts to which his question alludes, in which the date of the events referred to is given as October 30; but I have no information as to anything of the kind which occurred at that date which would enable me to answer his question. I will therefore cause inquiry to be made; but it is only fair to Colonel Lanyon and those who fought under him in Griqualand West to bear in mind the fact that previous statements very similar to these have been made and satisfactorily replied to.

No. 15.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Feb. 21, 1879.)

Pietermaritzburg, Natal,

SIR,

High Commissioner's Office, January 18, 1879.

WITH reference to previous correspondence on the subject of the country lying between Griqualand West, and the Transvaal, I have the honour to forward for your information copy of a despatch from his Excellency Colonel Lanyon, transmitting a memorandum by Colonel Warren, R.E., C.M.G., upon some questions to which I had wished him to direct his attention, relating to the Bloemhoff and Christiana districts, and other territory lying between Griqualand West, and the Transvaal, together with a copy of my reply.

I take this opportunity of also forwarding copies of memorials, which have just reached me from the adjoining south-western districts of the Transvaal, as illustrating

the condition and feeling of the farmers in those outlying countries, and the necessity for immediate measures being taken by Her Majesty's Government to afford them the very little assistance and support that they need.

I trust that Colonel Warren will soon be able to leave the work he has so well done in Griqualand West, and proceed to these districts, to engage in the work of settlement and survey, as originally intended before the rebellion in Griqualand West detained him there.

This work will, there is reason to hope, be the more easily accomplished now that the rebellion has been so effectually crushed.

Right Hon. Sir Michael Hicks Beach, Bart.,
&c. &c. &c.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 1. in No. 15.

SIR,

Kimberley, December 18, 1878.

WITH reference to your Excellency's Despatch No. 49 of the 31st July last, forwarding a memorandum as to some of the questions to which you wished Major Warren to direct his attention in his inquiries regarding the country between Griqualand West and the Transvaal, I have the honour to forward a copy of a letter from Major Warren.

I should point out to Your Excellency that only a very small portion of the territories referred to by Major Warren lies between this province and the Transvaal. His report embraces the territories lying to the north and north-west as well.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

I have, &c.
(Signed) W. OWEN LANYON.

SIR,

Taungs, November 25, 1878.

WITH reference to the report your Excellency has directed me (May 6th, 1878) to make regarding the native territories, lying between the Transvaal and Griqualand West, I have the honour to represent that during the interim, changes have taken place in the aspect of affairs of such a nature, that some of the questions appear to require immediate answer and not to admit of three or four months' delay which the general report will require for its completion.

I refer to questions 5 and 7.

5. How far are they (the Chiefs) disposed to place themselves under the protection of the British Government?
7. Looking to the terms of the Keate award, to the past history of the country, to its finances, and to the present wants and wishes of its inhabitants, what scheme of administration does Captain Warren recommend, by annexation to either Griqualand West or the Transvaal, or by any form of local administration?
2. The principal events which have altered the condition of affairs in these territories are as follows:—
 - a. The tribes of Batlapins ruled over by the Chiefs Jantze and Betlasitze having made war in Griqualand West, have been broken up and dispersed.
 - b. The Batlaros under Makolokive have also made war, been broken up and are now settled down again under British rule.
 - c. The Batlaros under Morwa have been placed down quietly under the direction of a border police.
 - d. The Chief Barihi of the Batlaros has come into Kuruman to make his peace with the British Government.
 - e. The Chiefs Makabane and David Masson have requested to be placed under British rule.
 - f. The Chief Bonaquani of Moraquin has been unable to control his people and prevent the rebels assembling at Moroquin, though he and his people do not wish to fight against British Government.
 - g. The Chief Montsioa has expressed his friendly feeling towards the British Government.
 - h. The Chief Mankoroane, recognised as paramount Chief of the Batlapins and Baralong, has petitioned Her Majesty to take him, his chiefs, his peoples, and his territories under the rule of the British Government, in consequence of so

many of his Chiefs having broken out in revolt against him and made war on Griqualand West.

- i. The whole of the territories within the limits of the Malopo, belonging to the Batlapins, Baralongs, and Batlaros, commonly called Bechnana-land, have for many years past been under no firm rule, until the Chiefs have lost all the power they formerly possessed, and are unable to keep their people in order without the assistance of the British Government; for this purpose a border police has been established in these territories by the Administrator of Griqualand West.

3. The changes above mentioned are of such a nature that they would not (*sic*) appear to require immediate recognition of these territories as being under British rule, in order that peace may be restored and firmly established.

With regard to the question as to whether these territories should be annexed to Griqualand West, to the Transvaal, or should have any form of local administration.

4. I have to represent that annexation to Griqualand West would most suit the wishes of the people generally, provided Griqualand West be destined to be one of the confederated States of South Africa, and provided such a form of distinct local administration can be adopted as will enable the people gradually to get accustomed to British laws. To bring these people at once under the laws as administered among white men would simply be to hand them over to the mercies of the law and land agents who eat up the wealth of the natives of South Africa.

5. There are two points on which I would lay particular stress.

- a. That as at present no spirits should be sold to any natives in these territories.
- b. That their lands should be rented to them by the Government for a term of 10 years at a very moderate rental, with the proviso that they should be given to them at the end of that period, provided they have not during the term of occupation alienated them without the sanction of the Government; otherwise that they are to be resumed as Government lands. This would in a great measure counteract the wholesale extermination of native farmers which has taken place in so many parts of South Africa.

6. These native territories are naturally intimately connected with Griqualand West, for the people of the various tribes of Batlapins and Batlaros live on both sides of the border line, and the Diamond Fields are their market for all their exports, such as grain, ostrich feathers, &c. &c.

7. There are a certain number of farmers in the Bloemhoff District who have asked for annexation to the Transvaal, but these are, I think, actuated in doing so by a false impression.

They have for the most part grants of native lands from the old Transvaal Republic, and some are under the impression that the old Transvaal Republic may yet again be established, while others think that by union with the present Transvaal Government they would better be enabled to establish their claims to the farms they occupy, forgetting that now the two States are under British rule they would have an equal chance with either Government.

8. As to the general feeling of the natives themselves, there can be no doubt they are only afraid of British laws being thrust upon them before they are able to understand them; otherwise they entirely acknowledge that they have no real government among themselves, and they greatly prefer a union with the more English Colony of Griqualand West, as they still have a soreness regarding the Transvaal owing to what took place in former wars, a soreness which does not appear to have been raised against Griqualand West in the recent campaigns, owing to the different method now adopted in making war.

9. I have therefore, in anticipation of my report to your Excellency on the subject of the native territories between the Transvaal and Griqualand West, to recommend that all those lands within the limits of the Molopo, from the desert of the Kalahari on the west to Lichtenberg on the east (including the district of Bloemhoff) may be proclaimed as British territory and annexed to the province now called Griqualand West, but with such a separate form of administration for the present as will enable the natives to appreciate the justness of British law without suffering unduly from its severity owing to their ignorance of such matters.

I have, &c.

(Signed) CHARLES WARREN,

Commissioner in the Native Territories between
Griqualand West and the Transvaal.

Governor Sir Bartle Frere, Bart.
&c. &c. &c.

Enclosure 2. in No. 15.

High Commissioner's Office,

Pietermaritzburg, January 11, 1879.

SIR,

I HAVE the honour to acknowledge your Despatch, No. 79 of the 18th December, on the subject of the tribes between Griqualand West and the Transvaal, and N. and N.W. of the former province.

In returning my acknowledgments to Colonel Warren for the clear statement enclosed in your Despatch I have to request that you will ask him to give a sketch of the plan he would recommend for giving effect to the views contained in his fourth paragraph.

With regard to the points enumerated in paragraph 5 I approve of both suggestions, R. and B

With regard to the class of claimants referred to in paragraph 7, I would suggest that Colonel Warren should call a meeting of the claimants, explain his views to them, and ascertain and report their wishes after they have considered and consulted over his suggestions among themselves.

Referring to Colonel Warren's ninth paragraph I would request that he should give a brief sketch of the scheme he proposes to adopt, that he should draft and submit a proclamation calculated to give effect to his views, and that he should draw out and submit for approval the details of "such a separate form of administration for the present as will enable the natives to appreciate British law without suffering unduly from its severity owing to their ignorance of such matters."

Finally, I would ask Colonel Warren to let me have a rough sketch map, showing approximately the position of all the tribes referred to in the second paragraph of his letter.

I have, &c.

His Excellency Col. Lanyon, C.B., C.M.G.
&c. &c. &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 3. in No. 15.

Translation.

Environs of Malopo and Lichtenberg Ward, Upper (Eoven) Harts River,
District Marico, October 1878.

To His Excellency Sir Bartle Frere, K.C.B., &c., High Commissioner of Her Majesty
the Queen of England.

MAY IT PLEASE YOUR EXCELLENCY,

THE undersigned beg to notify with due respect, namely :—

1. That for seven consecutive years, *i.e.*, since the Keat award in the Bloemhof arbitration, they find themselves in a most disagreeable and awkward position, dragging out an existence under great sacrifice and danger of life.

2. That the "Keat award" has not only deprived us of many legal claims and privileges, but that it hangs round our neck like a heavy millstone up to this very day.

3. The Kafirs are getting more impertinent every day, and adopt a more and more provoking and irritating position, particularly the behaviour of Montsioa, who calls himself paramount Chief, becomes unbearable, which renders it impossible to remain slaves any longer under his iron hand.

4. Every now and then we have received the most promising assurances on the part of the old and the present Government to ameliorate our troubles and improve our gloomy prospects, and it has been only the fond hope we cherished in the realisation of these promises which has consoled us so far, but alas! our position is getting more gloomy and threatening.

5. In fact, we are totally unprotected and abandoned.

6. Are we not peaceable burghers and loyal subjects of this State now ruled by the British Government? And still we are overlooked and left to ourselves. The farms on which we live, and for which we pay our taxes regularly, are being occupied, worked, and ruled by Kafirs.

7. Our troubles are serious, and we beseech help.

8. We entreat your Excellency to give the western boundary question your particular attention; a matter above all other matters that causes us to sigh so heavily.

9. Our eyes are fixed on your Excellency. With pious love and humility, we solicit to be relieved of our present grievances. If your Excellency wishes to do so you can help us.

10. The whole western portion of the Transvaal suffers severely by the uncertain state of the western line. Here is our wool trade and the source of an ample income now stopped and rendered inefficient.

11. Your Excellency must come and convince yourself that we are telling you nothing but the truth.

Trusting that our urgent prayer may be favourably considered by your Excellency, and assuring you of our best wishes for your person and the Government which you represent,

We remain, &c.

(Signed) J. B. ROODE,

Field Cornet of the ward Boven, Harts River,
District Marico, and 56 Burghers.*

Enclosure 4. in No. 15.

TRANSLATION.

Ward Harts River, District Potchefstroom,
October 17, 1878.

To his Excellency Sir Bartle Frere, K.C.B., &c., High Commissioner of the British Government, now at Pretoria.

MAY IT PLEASE YOUR EXCELLENCY,

THE undersigned take the liberty, making use of your Excellency's presence in our midst, to bring the following matters to your notice.

1. It is now seven full years since Governor Keate of Natal, final arbitrator in the Bloemhof arbitration, has given his award by which we have been declared *de facto* subjects of the Batlapins and Baralongs.

2. Our position is getting more awkward and unbearable every day.

3. We declare now most solemnly to your Excellency, once and for all, that we refuse to be placed under the Government of the Black Majesties. We are torn away from our dear relations and friends, and we pray that your Excellency may be pleased to unite us again, and thereby make an end to our uncertain and unfortunate position.

4. We still pay annually our taxes to the Transvaal Government, and we do not enjoy the protection for which we pay regularly.

5. Atrocities have been committed which cannot remain unpunished, and the Transvaal Government was too weak to uphold its authority here. These atrocities will naturally lead us to deeds of retaliation and self-protection that may have disagreeable and injurious consequences.

6. We look to your Excellency for help. We pray that our grievances may have your earnest attention. Your Excellency has the power to arrange and settle the western line question.

7. Our wish is to be annexed to the Transvaal. We ask that all ground may be annexed by your Excellency according to your pleasure. We inform you most openly that we are not able to bow any longer under the heavy yoke. We wish to obtain fixed property under our feet. We desire to enjoy the powerful protection of the British Government.

8. May it please your Excellency to proclaim as British territory the ground given to the Batlapins and Baralongs by the award of Governor Keate. The Kafirs must obtain land to be occupied by them under proper administration. The land must be set open for occupation and a proper and effective administration must be established.

9. We beg to draw the attention of your Excellency to the fact that the territory on the western border may be considered the principal wool producing district of the Transvaal, particularly the splendid sheep-runs on the Hart River and Malitsani, and that great injury is done to the trade by our uncertain and changeable state of existence.

With due esteem and best wishes for the Government which you represent,

We have, &c.

(Signed) S. C. J. VAN DER MERWE,
Old Field Cornet and 63 others.

Enclosure 5. in No. 15.

(TRANSLATION.)

To the REV. F. P. TOOSTE, Potchefstroom.

DEAR SIR,

Malapo, October 17. 1878.

I FIND one principal point not mentioned in the memorial, namely, the slavery that is practised by the Marollings on the conquered Vaalpeus Kafirs, by taking them away from us when in our service without permission, and taking them into their service without paying them, &c.

You can also tell his Excellency of the lawless state of affairs here in this territory, where we are hindered by the Kafirs on the property purchased by us. If we complain, we get no protection from the Government. You can see one of my complaints in the Government Office at Pretoria, and letters also from Captain Montsioa. I must also mention the ignorance and bad laws of Captain Montsioa in regard to theft. A black girl steals 20*l.* from me, and when I complained to the captain, the girl returned 6*l.*, and there was no further punishment.

My wish and prayer is that his Excellency may take us under his protection as speedily as possible.

Your friend and servant,

(Signed) M. C. JOUBERT.

No. 16.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR,

Downing Street, February 25, 1879.

I HAVE the honour to acknowledge the receipt of your Despatch of the 18th of January,* forwarding a copy of a Despatch from Colonel Lanyon enclosing a memorandum by Colonel Warren, R.E., and other papers relating to the Bloemhof and Christiania districts and other territory lying within Griqualand West and the Transvaal.

I approve of the instructions which you have given to Colonel Warren, and of his employment in the manner you propose.

I have, &c.

Gov. Sir Bartle Frere, Bart.,
&c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 17.

THE RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to LIEUTENANT-GOVERNOR SIR H. BULWER, K.C.M.G.

SIR,

Downing Street, February 27, 1879.

I HAVE the honour to acknowledge the receipt of your Despatch of the 3rd January,† containing further explanations, in reply to mine of 30th October last, on the subject of the employment of native labourers in Natal.

I agree in the opinion of the Attorney-General that the present law is sufficient to secure the rights and freedom of the labourer if it is properly enforced, but I regret to observe that in the particular case referred to in your Despatch there was a most discreditable laxity on the part of the late Protector of Immigrants in not taking care, after his attention had been called to the matter, that the provisions of the law were complied with.

I trust that due precautions will be taken to prevent any similar omission in future.

I have, &c.

Lieut.-Governor Sir H. Bulwer,
&c. &c. &c.

(Signed) M. E. HICKS BEACH.

* No. 15.

† No. 7.

No. 18.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received March 1, 1879.).

High Commissioner's Office, Pietermaritzburg, Natal,

SIR,

January 24, 1879.

I HAVE the honour, in reference to your Despatch of the 18th December,* to state that it only reached me on the 21st instant, when all the Columns under Lord Chelmsford's command had already made some way into the Zulu country, and when any interference with his arrangements would have been attended with grave risk of disaster.

I trust that my communications since the early part of November will have satisfied Her Majesty's Government of the imperative necessity of all the steps I have since taken in our dealings with the Zulus. But at the risk of repeating once more much that has already been very fully stated, I venture very succinctly to recapitulate the facts and arguments which have guided me in my late action.

The leading facts are briefly these:—

1. That the existing Zulu military system is of comparatively modern origin, dating no further back than 1818. That before that time the Zulus and other clans of Kafirs in Natal and Zululand lived in comparative peace in separate and non-aggressive tribes, and that the present territories of Natal and Zululand were then far more thickly populated than they are now.

2. That Chaka founded between 1818 and 1828 an aggressive military system, by means of which he subdued, devastated, and depopulated vast tracts as far south as the St. John's River, and as far north as the Limpopo. Many portions of this vast region, previously well populated, were rendered nearly uninhabitable, and the survivors were in many cases reduced to cannibalism for want of food. Chaka's policy was in brief the entire absorption into his fighting army, or the utter destruction of every one in every community of human beings which his hordes of warriors could reach.

3. That, Chaka having been assassinated by his brothers, 1828 one of them, Dingaan, succeeded, and, if possible, exceeded Chaka in barbarity.

4. That about this time Europeans, English adventurers, and Dutch emigrant farmers, appeared in Natal, and were at first not unwelcome to Chaka and Dingaan, as the bearers of various inventions which they thought might be useful to them in war or otherwise, and which, except through Europeans, were then unobtainable.

5. That Dingaan, having treacherously and barbarously murdered a large body of emigrant Boers, was defeated and driven out of his kingdom by their countrymen, and slain by the Swazis; and his brother Panda, a less bloodthirsty ruler, was made Chief of the Zulus by the influence and assistance of the emigrant Boers, 1840.

6. That for many years after Panda lived in virtual as well as formal subjection or subservience to the emigrant Boers; but as the English Government of Natal, which had been erected into a Colony in 1843, rose to power and importance, Panda leaned more on it, and commenced a system of playing off the English Government of Natal against the Dutch Government of the Transvaal Republic.

7. That Panda was succeeded in 1872-73 by his son Cetywayo, who obtained the succession and confirmation on the throne by installation through the influence of the English Government.

8. That since his installation Cetywayo has endeavoured to build up a great military power and to restore the system of Chaka by regulations, not only destructive to the welfare of his own people, but seriously threatening to his neighbours. These regulations are directed to forming every young man in Zululand into a celibate man-destroying gladiator, and organising the youth so trained into well disciplined and well armed regiments, absolutely obedient to their King's command.

9. That he has obtained fire-arms to an unprecedented extent and in numbers which cause him to be regarded by his own people, as well as by most other native tribes in

* No. 17 [of C.-2222] of 1879.

South Africa as more than a match for any power, native or European, as, in fact, the greatest military power in South Africa.

10. That during the last three years he has claimed an independent irresponsibility alike as regards Natal and the Transvaal Government such as his father never asserted nor he himself claimed till after his formal installation by Sir Theophilus Shepstone in 1873. At that installation he made as the price of his recognition by the British Government in the most formal and precise manner various promises for the better government of his own people, and by implication for the better security of his neighbours. All these promises he has since, and especially in 1876, explicitly and formerly denied and repudiated.

He has taken the brutalizing system of Chaka for his model, he has repeatedly urged the Government of Natal to consent to his "washing his young warrior's spears" in the blood of his neighbours; he has formally claimed a vast extent of territory north and south of Zululand, but especially and more emphatically in the Transvaal, and has attempted to support his claim by sending threatening notices to quit, addressed to the peaceful inhabitants beyond the border, and has enforced these notices by inroads of armed men who have committed various acts of violence by murdering peaceful subjects of the Transvaal living within what is now British territory, driving off their cattle, and carrying the women and children of the slain into captivity.

11. That these acts were not casual results of barbarism, impatience, or accident is clear from the most recent cases. This intrusion of an armed force into the district he claimed from the Transvaal between the Pongolo and Buffalo Rivers was long subsequent to his knowledge that the Transvaal was now British territory, and that whatever were his claims, they were no longer against the Dutch Government of the Transvaal, but against a Government which had been always friendly and indulgent to him; the first formal interview between his old friend and supporter, Sir Theophilus Shepstone, and a large body of his councillors, especially sent for the purpose in 1877, was marked by an insulting and defiant tone so unusual and pronounced as to startle the English representatives.

When the Government of Natal offered its good offices to adjust the dispute regarding land till then held by grantees from the Transvaal, Cetywayo's conduct to the envoys sent to him was rude and defiant; he subsequently, however, assented to inquiry by Commissioners appointed by Natal, but the representatives he sent declined to offer proofs, and said they had simply come to point out what the King demanded.

12. That after laborious inquiry, conducted under every circumstance favourable to the Zulus, an award was made giving them in effect the greater part of the land which was the subject-matter of the inquiry.

13. That this award was given on legal and technical rather than on equitable grounds, inasmuch as there appeared no doubt Cetywayo as candidate for the succession to his father promised and made over land to the Boers in order to gain possession of rival candidates for the succession who were given over by the Boers to him. That he and his father subsequently evaded giving the necessary documents, and performing the various acts of confirmation needful to make a valid cession of these lands, so that in the opinion of the Commissioners the legal evidence of the cession and of its confirmation was not complete. That under such circumstances the judgment between two private parties would possibly have been a nonsuit, and the result a fresh trial, a course which was rendered practically impossible by the circumstance that the judge in this case was the English Government, the party interested in having the case retried.

14. That without waiting for the promulgation of the award so favourable to him various acts of aggression and violation of British territory were committed, if not by the King's order, with his subsequent connivance and under his protection; they were, a murderous inroad into the Transvaal territory north of the Pongolo, two cases of seizure of refugee women within British territory, and in spite of the remonstrance of police officials of the Natal Government there on the spot, and the seizure and ill-usage of Sergeant-Surveyor Smith and Mr. Deighton.

15. That finally, after the award in the matter of the disputed territory had been formally communicated to him, satisfaction for the past and security for the future was demanded from him, and sufficient time to comply with the demands was allowed.

16. That the time so allowed elapsed, not only without compliance with the demand, but without any proper acknowledgment of its receipt or any intimation through messengers of the usual rank that the demands would be made the subjects of reasonable consideration by the King and his Council.

17. That it cannot possibly be said that Cetywayo had not ample time for consideration or ample warning of the consequences of neglecting to comply with the demands.

He had been warned, some weeks previous to the final message that such a message of the gravest importance was to be delivered to him, and he had been requested to summon his Great Council to consider the message when it should reach him. He neglected to do so. He had ample warning of the military preparations making to enforce the demands. He was well aware of the troops assembling on his frontier and closing around him. He had no pretence for saying that he was taken by surprise. His attitude since he first ordered his troops into the disputed territory has been one of contemptuous defiance, and though he has sent more than one informal message seeking by false and flattering pretences to gain time, he has done no single act indicating the slightest intention of complying with any single reasonable demand of the British Government.

18. These are, briefly stated, the facts regarding Cetywayo's own conduct and history. I believe there can be no reasonable doubt about any one of the facts; and I ask, what ought to be the conduct of our Government under such circumstances? Can we draw from the past any reasonable hope that when opportunity offers he will abstain from doing what he has so often proclaimed his intention of doing, viz., "washing his young men's spears" in the blood of somebody, and extending his kingdom as far as possible towards the utmost limits of Chaka's devastations? It may be said "this is simply the bombastic talk of an uneducated savage." To this I would answer by asking what has been his *action*, apart from his *talk*, during the last 12 or 14 months, before any addition was made to the normal garrison of Natal?

19. The answer must be—an armed occupation of the territory in dispute between him and the Transvaal, the forcible ejection of numerous white farmers long settled there, threats of their plunder and murder if they did not immediately clear out; warnings of similar treatment to the little German settlement of Lüneberg north of the Pongolo, and outside the disputed territory; similar warnings to other farmers, Dutch and English, as far as the Assegai River, near Derby, about 40 miles inside the Transvaal territory; the warnings being enforced by a raid under Umbelini, a protegee of Cetywayo, and living in his territory; in which raid 16 Swazis, presumably British subjects or protected allies, are reported to have been killed, their cattle and women and children being carried off back into Zululand. Add to this, the seizure of the refugee women in British territory, and the assault and detention of Smith and Deighton, also on British territory.

20. This is an imperfect catalogue of those acts by which his disposition and intentions may be judged; they are not old stories of former misdoing, none of them date further back than November 1877, and these acts of aggression and violence only ceased when he heard of the assembling of troops on his frontier.

Can it be doubted that the presence of such a man is a standing menace to Natal and Transvaal? A perpetual danger as long as a large protecting force is not maintained to overawe him. Is it not clearly a case in which it is necessary for the immediate safety of person and property on our borders to obtain from him not only reparation for the past, but security for the future?

21. It must be remembered that the extent of our border, which is conterminous with his, has greatly increased during the last two years. Up to April 1877 the Zulu border marched with ours in Natal for a distance of little more than 100 miles, as the crow flies. This was not a good border with a troublesome neighbour on the other side, for the Tugela River is everywhere fordable for nine months in the year, and the dangers of Zulu neighbourhood, taking into account the then increasing aggressive spirit of the Zulu King, have been pointed out by Sir Garnet Wolseley and other excellent authorities during many years past.

By the annexation of the Transvaal the length of our border in immediate contact with Zululand, the present territory, inhabited by Zulus subject to Cetywayo, has been increased to nearly 300 miles, whilst more than 200 additional miles of recognized Transvaal British border run through territory which has been formerly thrice claimed for Cetywayo by his recognized delegates within the last 18 months; hence at a very moderate computation the risks of frontier collisions with the Zulus, and the temptation to them to make border raids, have been increased at least threefold since Sir Garnet Wolseley was here.

22. The British territory, in fact, almost encircles the Zulus; for with the exception of the Tongas, a comparatively small and unwarlike tribe, and the Portuguese, the British territory and the sea bound his actual possessions.

23. If, then, he wishes to "wash his spears" in the blood of "somebody" that somebody must almost inevitably be a British subject, or an ally whom we have undertaken

to defend. This latter description includes the Swazis. I find on record some question as to how far we are bound to protect the Swazis against the Zulus, but there can be no question whatever as to the terms by which the Transvaal became possessed of a large cession from the Swazis, much of which has been since sold or otherwise parted with by the late Transvaal Government, as New Scotland, Londinia, and the New Corkindale estate.

24. I have not the documents to refer to, but I have no reason to doubt the accuracy of the accounts given by the late President, Vice-President, and other officers of the late and present Transvaal Government, including Sir Theophilus Shepstone, to the effect that the Swazis, apprehensive of Zulu aggression, made over a slip of their territory extending the whole length of the Pongolo River eastward to the watershed of the Libombo Mountains, on condition that the Transvaal should plant along that bank of the Pongolo a belt of European settlers capable of forming an effectual barrier between Zulus and Swazis. A great part of this tract was sold by the Transvaal Government, whether in freehold or on quit-rent I am not certain, but on condition that Mr. McCorkindale should bring in such a body of Scotch or other European settlers as should fulfil the condition of the Swazi cession. These conditions have hitherto been but imperfectly observed by any of the parties concerned, though there are many Europeans and other settlers of European descent in the territory, and the obligation to defend them as Transvaal British subjects remains as one of the responsibilities which we took over from the Transvaal.

25. I have had visits since I have been here from European gentlemen some years settled in those parts, inquiring what protection they were likely to find when the Zulu notices to quit, which had been served on their neighbours nearer the Pongolo border, should be served on them?

26. I was not aware when Umbelini's raid was first reported that to reach the people he massacred he must have passed out of Zululand over the strip of country which we, as successors to the Transvaal Government, are bound to interpose as a barrier to Zulu aggressions north of the Pongolo.

27. Such being the position of affairs on the Zulu border, what security I would ask can our subjects possess unless a force as large or larger than that now in South Africa be constantly kept on the border? I would further ask, what right has this ruler, Cetywayo, to require us to keep up any force whatever for any purpose save those of internal police?

28. Up to the present year we have never moved, or threatened to move, a man against him for any aggressive purpose. We have offered our good offices as mediators in his differences with his neighbours, and we have treated him, not perhaps with the wise strictness of a parent or a true friend, but with an amount of over-indulgence for his folly and presumption which ought to have convinced him of our real goodwill, which we certainly never should have shown to any European or other civilised power.

29. Even now we have asked of him nothing but to keep himself to himself, within his own bounds, and to manage his people according to their own ideas of good Government in the way he promised, or in any way which will not be a standing menace to his neighbours.

30. These reasonable requests he has contemptuously disregarded, and I would ask what possible means now exist of avoiding hostile action, unless we are content to live on sufferance, relying on his forbearance that he will not do again what he has so repeatedly done, during the last 18 months, in the way of violation of British territory, and occasional massacre of people who have fled there for shelter and protection?

31. I have therefore placed the further enforcement of our demands in the hands of the Lieut.-General Commanding Her Majesty's Forces in South Africa, and looking to the impossibility of securing such a length of frontier by standing on the defensive, I have fully approved the plan of operations proposed by Lord Chelmsford, for taking up such positions in Zululand as shall secure the Natal frontier from violation, and afford the best chance of bringing the Zulu King to reason. I have in all these proceedings anxiously borne in mind the repeated injunctions of Her Majesty's Government to the effect that I should spare no pains, by patient use of reasonable conciliation and compromise, to avoid any necessity for resort to force, and I would respectfully ask whether it would be possible to carry compromise and conciliation further without a surrender of all right to protect our own subjects?

32. Cetywayo has received, as a result of the Commission of Arbitration, a portion of his whole claim beyond what would have probably been awarded him had we been arbitrating in a question where we ourselves, the arbitrators, were not interested.

33. The British Government has borne with invasions and threatened invasions of British territory, with the forcible seizure and subsequent massacre of people who had

taken refuge there, till the last hope of inducing him to regard such acts as anything worse than a boyish excess had vanished.

34. Are we to sit down and allow these things to continue, or are we to teach him, by the only teaching he is likely to acknowledge, that such things cannot be permitted on British territory?

35. It has been said that the award giving Cetywayo the sovereignty of the land he claimed might have been separated by a longer interval of time from the demands of the British Government, and that more time might have been given Cetywayo to realise the benefits of the award, before calling on him for redress, satisfaction, and future security.

36. To this it must be answered that his action, no less than his words, show that the award falling far short of his claims and pretensions was not, and never could be, regarded by him as anything but a proof of weakness. He had always claimed a vast deal more, and his accredited representations repeated the claim in the form of a protest when the award was delivered. We may think his claim unfounded and even preposterous, but potentates like Cetywayo are not apt to admit that others can judge better than themselves of the validity of such claims, or to rest content with the assurance of their best friend that their pretensions are unreasonable.

37. Having got but a part of what he demanded as his right, it was, according to my experience of such natures, vain to expect any feeling of gratitude, of respect for our sense of justice, or any sentiment of satisfaction from him, as long as the whole of what he claimed was not given up to him.

38. But there were other reasons why the award and the demands for redress and security should not be far severed. One of the most marked peculiarities of the Zulu race, under their present régime, is their innate tendency to suspicion of the motives and acts of everyone. It is, perhaps, to a great extent the result of their present system of government, for it is, I am told, more strongly marked in the Zulus of Zululand than in those of Natal.

39. However that may be, I was assured that nothing would be more fatal to future trust and confidence than for Cetywayo to learn, after the award had been given, that other demands were hanging over and might be subsequently brought forward. We were bound, not only to tell him what we were prepared to give up to him, but what in self-defence we had to require from him.

40. There were, moreover, other reasons why the presentation of such further demands should not be delayed.

41. I speak now not of demands for redress or satisfaction, but of those for future safety and protection of *bonâ fide* grantees in the disputed territory. The Rorke's Drift Committee had not inquired either as to the number of these grantees, or into their claims of possession; but I learnt enough soon after my arrival here to feel sure that they were more numerous than had been supposed, and that many of them were *bonâ fide* grantees, or *bonâ fide* purchasers from original grantees, without any suspicion on the holder's part at the time when he took the land that there was a defect in the power of the Transvaal Government to grant good title.

42. It was clearly impossible to leave the claims of such persons to the discretion of a despot like Cetywayo, who in his own country systematically and avowedly ignores anything like a claim to personal rights or private property. We might give up to Cetywayo, if we thought proper to do so, the sovereignty over the land. We had no right to give up what we had never possessed, the private ownership in the lands granted to farmers, during the sovereignty of the Transvaal.

43. We were bound to define and secure those private rights, and it would have left our proceedings open to something more than suspicion, if, having made over the territory to Cetywayo, as he supposed like the rest of the territory in his own country, we had subsequently informed him that we had recognised established private rights which he was not at liberty to disturb.

44. It was, of course, open to him to have said that such rights made his sovereignty useless to him, or he might have argued, that if any such rights existed, they should be met by the British Government of the Transvaal, who should clear the land of private proprietors, and make it over entirely to him.

45. But as far as I am aware he never noticed this or any other point connected with the award, the receipt of which, I believe, he has to this day never even formally acknowledged.

46. There may probably have been a time when there was room for effecting something with the Zulu King by conciliation and compromise, but I see no reason for doubting that such a time, if ever it existed, has many years since past.

47. Up to his installation or coronation in 1873 the Kulu King was treated by us as, and probably felt himself to be, a dependent or subordinate of the British Government; and had the relations then established been actively maintained, and his proceedings in reorganizing his people as a great military power been vigorously controlled, it is just possible he might now have been open to reason. But the favourable opportunity soon passed away, and I doubt if anything could have been effected by means of reasonable conciliation since his ostentatious declaration in November 1876, of his intention to obey no will but his own, and to commence a reign of terror and bloodshed which should render comparatively insignificant the wholesale atrocities regarding which the Lieutenant-Governor of Natal had just made friendly inquiry (Parliamentary Blue Book 1877, pp. 199-216).

48. The present state of the nation is by no means the growth of a few months or even years, and I have heard of no single fact connected with the later history of the King which recognises any obligation to submit his claims to any arbitrament save that of power or force. Whilst there is an equal absence of any indication of a real knowledge of the unseen power of that nation with which he is dealing.

49. There is yet another reason why it was impossible to defer a final settlement of the Zulu difficulty. It is not easy to exaggerate the state of tension throughout all the neighbouring colonies caused by the uncertainty as to what would be our course with the Zulus.

50. I have repeatedly referred to the general unrest of the native mind through all the South African colonies, caused by the prevalent belief among the natives that the days of white supremacy were past; that the possession of firearms and other circumstances had raised the natives to a state of equality with the white man; and that the Zulu nation, as the most powerful in South Africa, was to lead the native races in shaking off the domination of the white intruder, and restoring uncontrolled native rule.

51. What may have been the nature of the communications upon this subject between the various native tribes it is impossible to say, for no written word ever passes between two Chiefs unless they have been educated in the schools of Europeans; and it is only by results that the nature of such communications can in general be known.

52. But I do not know a single native tribe or clan of importance, from the lower part of the Orange River to the Limpopo and the Indian Ocean, where we have not traced the influence of the innumerable Zulu envoys sent out by Cetywayo during the past two years. If inquiry were made, the ostensible occasion was generally some triviality wholly undeserving a special mission, but the result to the chief and tribe visited was always unrest; and I know hardly a single Resident or Political Agent of importance throughout the whole of the native tribes in the region described, who has not more or less clearly described the evil and uneasy feeling thus produced, that the supremacy of the white races was declining, and that the restoration of unrestrained Kafir rule was, under Zulu auspices, at hand. In a few cases, such as that of the information which reached the missionaries at Kuruman through their pupils, or which was given by Krel's war doctor after his capture, the terms and time of the Zulu message were given with definite minuteness, but the burden of the message was always to the same effect, that the time was coming for the destruction or expulsion of the white races, and that Kafir supremacy was to be re-established by simultaneous or successive risings of the Kafir tribes with the Zulus as leaders.

53. In dealing with illiterate people it is always impossible to give documentary proof, and difficult to convey the effect of a vast number of concurrent items of evidence, each perhaps trivial in itself, but all pointing to one result. I can, therefore, only state to Her Majesty's Government my conviction that the crisis anticipated by Cetywayo, by his envoys, and by the tribes to which they were sent, has arrived, and I must leave it to the opinion Her Majesty's Government may have of my judgment and power of appreciating such evidence to estimate the weight to be attached to my conclusions.

54. But unless I am much mistaken, the proceedings of the next few months must decide whether in the opinion of Zululand, and all Kafirdom, Cetywayo or Her Majesty is to be the Sovereign of this part of Africa, and whether the ways of civilised nations or of Cetywayo and his Zulus are to prevail in these colonies. I have carefully re-considered the events of the past two years, and I am convinced that the option of deferring or of precipitating that crisis has long since passed from our hands into those of the Zulu King. I can give no reason, save the half-heartedness of a suspicious barbarian despot, to account for his not having taken advantage of the many favourable opportunities which have presented themselves in our difficulties during the past 18 months.

55. I need not dwell on the bearing which the interests of the Transvaal have on a speedy settlement of our difficulties with Cetywayo. The report of the Boer meeting at

Wonderfontein which goes by this mail will, I think, bear out my impression that the acquiescence of the majority of the Boer population in the annexation of the Transvaal depends directly on our success in establishing our supremacy over the Zulu King. Of course this is no reason in itself for meddling with the Zulus; but it is a very strong reason for not deferring a thorough settlement of the native questions affecting the Transvaal, of all of which the Zulu question is the principal and the main key.

I have, &c.

The Right. Hon. the Secretary of State, (Signed) H. B. E. FRERE,
Colonial Office. Governor and High Commissioner.

No. 19.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART, G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received March 1, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,

SIR,

January 26, 1879.

I HAVE the honour to forward, for your information, copies of a correspondence with Bishop Colenso upon the award lately delivered in the question of the territory disputed between the Transvaal and the Zulu King.

I need hardly say that I attach the greatest value to the Bishop's opinions as being those of one of the ablest and sincerest friends of the natives, whose great intellectual power and intimate knowledge of the Zulu character and language would, under any circumstances, entitle his views to the highest respect, however much I might differ from them.

I have, &c.

The Right Hon. the Secretary of State, (Signed) H. B. E. FRERE,
Colonial Office. Governor and High Commissioner.

Enclosure 1. in No. 19.

MY DEAR SIR BARTLE FRERE,

Bishopstowe, December 27, 1878.

YOU were so good as to invite me by message and personally to "criticize" the documents which have just been published with reference to Zulu affairs. And last week, when your Excellency honoured me with an interview, I ventured to say that one or two of the demands made on the Zulu King seemed to bear rather hardly upon him under the circumstances, especially after his having recently seized, of his own accord, and sent down to this Government, a native accused of murdering a white man. As he was not personally concerned in either of the two cases for which he has been fined, one of them having been the rash act of two hot-headed young men in their father's absence, and the other brought on by a fault on our own side, the two white men, who were sent as spies to sound the Tugela for a ford for the crossing of troops, having excused themselves by a transparent falsehood, and thereby confirmed the suspicions of the neighbouring Zulus, who had been watching their proceedings with very natural anxiety at the present crisis.

However, I said that I hoped and believed that Cetywayo would agree to these demands, and I expressed my cordial assent to the main points of the message, viz., those requiring the disbanding of the military force, and an entire change in the marriage system, as being, though measures of coercion, yet such as a great Christian power had the right and the duty of enforcing upon a neighbouring savage nation like the Zulus, brought into close relations with itself, whose King had been installed at their own request by the representative of the Natal Government, and to whom a signal proof of generosity and good faith had been given in the award, as was set forth emphatically in the forefront of the message itself.

But a third document has now been published, the "Memorandum on the appointment of a Resident in Zululand," the second clause of which, I confess, has taken me by surprise, as no hint of it was given in the message despatched to Cetywayo; and I perceive that certain Colonial journals have hailed it triumphantly as practically evacuating the award of almost all its meaning for the Zulus.

I feel sure that these editors, who boast of being able to "read between the lines" of the award, must be labouring under a great mistake, and that it never can have been

intended to take from Cetywayo by an after-stroke what had been solemnly ceded to him in the Queen's name.

But the clause in question certainly says, "It is intended that in that district individual rights of property which were obtained under the Transvaal Government shall be respected and maintained, so that any Transvaal farmers who obtained rights from the Government of the Republic, and who may now elect to remain on the territory, may possess, under British guarantee, the same rights they would have possessed had they been grantees holding from the Zulu King under the guarantee of the Great Zulu Council."

That compensation, either from the Transvaal or Imperial Treasury, should be assured under British guarantee to any farmers who might elect to quit the lands they had occupied under the usurped authority of the Boer Government is, of course, only reasonable and just, but that these farmers should be maintained under British guarantee without regard to the wishes of the Zulu King and nation in the possession of these lands, including (?) the power to alienate them by sale or otherwise for all future generations, though this would hardly have been acquired in any case by grant from the Zulu King and nation, lands which had been unjustly seized by the Boers, though Cetywayo persistently protested against their encroachments and would long ago have ejected the intruders had he not been restrained by the Natal Government, does not, I must frankly say, accord with my own sense of justice. And I should say this if only a few farms, or indeed if only one were concerned. But I am rightly informed, the whole of the district now awarded to the Zulus has been inspected and (?) registered, and given out in farms by the late Boer Government, though they have never been surveyed, and indeed the "Natal Colonist" of December 24th quotes Sir T. Shepstone as saying, with reference to the disputed territory, "The whole of it has been apportioned in farms to Transvaal subjects, but has not been occupied by them," though in a Despatch to Lord Carnarvon, of January 2nd, 1878 [C.-2079, page 51], he writes, "When I met the Zulu Prime Minister and the indunas on the 18th October last on the Blood River I was fully prepared, if it should be insisted on by the Zulus, as I then thought it might justly be, to give up a tract of country which had from 13 to 16 years been occupied by Transvaal farmers, and to whose farms title deeds had been issued by the late Government." No doubt every one of these farms would at once be claimed, since their value would be prodigiously enhanced when they were no longer to be held, as of old, under a questionable and precarious tenure, but "under British guarantee."

Probably in the case of some of these farms, especially where homesteads have been built, Cetywayo would make no objection, the farmer in each case (I presume) paying to the King (as grantees in this Colony to the British Government) a quitrent in recognition of his sovereignty. But there may be Boer claimants to whom he might reasonably object as residents on his land, *e.g.*, those whom he reported to this Government [C.-1748, page 50] as having committed outrages upon his people, one having come with a party of Kafirs and destroyed a Zulu kraal, and fired at and wounded a young man who resisted this violent proceeding, another as having shot a Zulu for refusing to help skin a cow that had died.

It would seem, however, if I understand rightly the meaning of the clause in question, that the award gives back the land *in name* only to the Zulus, whereas in reality Cetywayo will have no control over it; he will not be able to exercise authority over his own people living on it, without coming into collision immediately with their Boer masters, who would fiercely resent any intrusion on his part on their farms; he will not be able to send any of his people to live on it, or any of his cattle to graze on it, or even to assign places in it to such of his people as may elect to move from the Boer to the Zulu side of the new boundary.

As your Excellency was so good as to invite me to speak freely with you upon the subject, I venture to submit these further remarks. I may, of course, be under some grave misapprehension as to the meaning of the clause in question; but if not, as I see that both the "Times" and "Mercury" state (apparently on authority) that the terms of the Memorandum are not to be regarded as "final," I trust that this clause in particular may receive at your Excellency's hands such a modification as will prevent the award from appearing in the light of the subsequent Memorandum as amounting practically to guaranteeing the Boers under British authority in the permanent possession of all the land which has been awarded, as their right, to the Zulus.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

I am, &c.
(Signed) J. W. NATAL,

Enclosure 2. in No. 19.

MY DEAR BISHOP COLENSO,

Pietermaritzburg, January 6, 1879.

I OUGHT before this to have answered your letter of the 27th ultimo, and I can only plead in excuse the incessant work I have since had, and my desire to satisfy you as far as possible on the points you mention.

I will not dwell on the objections which you so kindly stated to me more fully when we met, as applying to some of the demands which you thought bore hardly on Cetywayo.

I cannot think that the fact of his not being personally concerned in either of the two cases for which he has been fined is any excuse for him.

It is a penalty which an autocrat of his position, at the head of such a Government as that of Zululand, always has to pay, that he must be personally responsible for everything done by his own people of which any of his neighbours can complain. A constitutional monarch is of course not responsible, and can plead municipal laws and the individual responsibility of subjects, and can give satisfaction for insults or injuries to other powers without loss of personal dignity; but an autocrat, whether Zulu or European, cannot do so, and unless he submits to the personal humiliation, if it is involved in the act, of giving up the offenders (who in this case happen, I believe, to be court favourites), he cannot plead personal irresponsibility. Nor need I dwell on my reasons for differing from you in your estimate of what the young men did. I am told it is not the first time they have got their Sovereign into trouble, and that one of them was the chief instigator of the disturbance last year at the King's kraal, when many hundred men were killed, and the King's brother Oham nearly lost his life. But, whatever may be their antecedents, I am quite sure that when two young men cross the well known British boundary with two separate large bodies of armed men, surround kraals of British subjects, take by force two helpless refugee women, drag them across the border, and there, as we are told, kill them, it may be in Zulu estimation, as the King has told us it is, "only the rash act of two hotheaded young men in their father's absence"; but in our estimation I think it ought to be regarded as a deliberate violation of British territory, a gross insult to the British nation, and, unless we have been misinformed as to the killing, a very cold-blooded massacre; and the sooner all the young men in Zululand are taught by the severest possible penalties that they must not commit such "rash acts" in British territory, the better for everyone in Zululand as well as here.

I think we are bound to let every Kafir man, woman, and child sleep in British territory as free from anything save legal consequences of misbehaviour as we sleep ourselves; and I know not how this is to be managed unless we sternly punish all Zulus or others who dare to violate British territory by entering it with an armed force, and drag away women, who cannot resist them. If I could think of any means of checking such practices other than requiring the offenders to be given up and tried by our laws, I would gladly consider it, but I know of no other plan which promises to be effectual, and when we have called upon the King to purge himself of all personal responsibility by giving up the offenders to a fair trial, when we have given him several months to consider the matter, and told him that after 20 days we will wait no longer, I think we are bound to put forth the whole power of the British Government to enforce compliance, even at the risk of the King losing his kingdom. I hold that this is the only course which will ensure permanent safety to Natal subjects, while I firmly believe it is also the best for the happiness of every human being in Zululand.

As regards the violation of British territory in the case of Smith and Deighton it was fortunately not attended by bloodshed. I mentioned to you that the account I heard of it, and which I had every reason to believe to be true, differed greatly from that which has been conveyed to you. But even taking the facts as they have been stated to you, I cannot think they afford any justification of what the Zulu Frontier Guards did. All the many accounts I have seen or heard agree in representing that the white men were seized on the British side of the running water; but even if they had been on Zulu ground, I cannot admit that Zulu Frontier Guards would have been justified in seizing them,—detaining them, insulting them, and threatening their lives, because they thought they were making notes, or said that they had come down to the water to fish, when their real object was to spy the land.

Under similar circumstances the proudest military nation in Europe would not refuse an apology, even to a weaker nation, for what occurred, whether it were a violation of territory or an improper arrest, and in imposing a fine which the King would make the offenders pay, I required the only form of apology, which I believe the Zulu King could feel.

Without bragging or requiring any acknowledgment of superiority over their nation, the security of our own people requires that the Zulu Frontier Guards should be taught not to make such mistakes, even if they did no more than you suppose; and here again I should be glad to know any other possible way of effectual teaching essentially different from that which I adopted. As regards the Memorandum on the appointment of a Resident in Zululand, I may mention that it was prematurely published. It was drawn up by me as an explanation of the kind of position which I intended the British Resident in Zululand should occupy, and as a means for enabling any required explanation to be afforded to the Zulu messengers, if they should ask what the Resident was intended to do? It was intended to explain for Cetywayo's benefit what was the nature of the cession to him of the ceded territory, and as I need not, I trust, assure you, there was no thought of taking from Cetywayo by an after-stroke what had been ceded to him in the Queen's name.

I had a strong impression that if Cetywayo were simply told the disputed land was assigned to him he would at once conclude that it was his in full Zulu sovereignty, a tract on which he might do as he pleased, turn out and plunder European settlers, and kill and deprive of their property at will any Zulu men or women who might live there.

It seemed to me impossible to make over to him for such purposes any land which had once been under the British flag, as this undoubtedly was, from the date of annexation up to the irruption of the Zulu armed force which violently drove out the white settlers a little more than a year ago.

I did not see how he was to be restrained in acting as he pleased, except by the appointment of a British Resident, and I therefore wished to define what the British Resident was to be, and what he was intended to do.

But it may be asked, why should Cetywayo be restrained from doing anything?

Simply because during the long period for which the land had been in Transvaal occupation, civilized rights had grown up which it seemed unjust to disregard or abolish, and unwise, from the point of view of a friend of the Zulu nation, to allow the King to disregard or interfere with.

Owing to a defect of legal formalities, the land claimed by the Zulus had never legally become Transvaal territory.

This was the finding of the Commissioners sitting as a jury, and though a very different view might have been taken upon the evidence, I felt it impossible to set aside a verdict found by a jury carefully selected by ourselves.

But it seemed to me beyond all question, that in the strictest possible legal view we could claim no right as representatives of the late Transvaal Government to make over to Cetywayo more than we ourselves possessed, viz., the sovereign rights over the land; the private rights which had grown up during many years of comparatively civilized government, viz., the division of the land, the private property in it, the right to buy and sell it, which had been repeatedly exercised; to plant and improve it, to build and live on it,—all these rights, it seemed to me, we were bound to secure to those who had enjoyed them.

They *would* have been secured, as a matter of course, had the land been ceded to any civilized power by cession after conquest, or by any other of the most absolute means of asserting sovereignty.

It would, I felt sure, be for the benefit of the Zulus themselves if by a Resident or any other agency they could be taught to respect such rights, and to see the value of them to themselves.

I found, however, the greatest difficulty in ascertaining to what extent such rights had been acquired. Some authorities said that the Boers who had actual occupation did not exceed 10 or 12, but after I had given my award I received a list of 49, which was subsequently swelled to 84. Clearly here was a case requiring careful local investigation, and in some cases I was assured the parties ejected by the Zulus had bought their farms from the original grantees as much as 16 years ago. The subject had, in fact, been omitted from the investigations by the Commissioners, and all I could ascertain before I was obliged to dispose of their award was the fact that no one could give me any information without a local inquiry, which would take a long time to complete.

The enclosed papers will show you how I proposed that this inquiry should be conducted, and will, I trust, satisfy you that I had no intention of recognising any rights but those of *bonâ fide* possession, occupation, and improvement by persons who had every reason to believe that the Transvaal Government had full right to grant a valid title.

It seemed to me that to turn out such landholders or to leave them subject to the

caprices of the Zulu King would be a proceeding which might well shock the whole civilized world, and could not possibly be for the real good of the Zulu people.

It would be destroying a germ of civilisation, which, however weak, had capacity for growth and might in time usefully extend throughout the whole nation.

I know from experience in other countries that it is quite possible for an industrious law-abiding European to live and prosper in a Native State, wherever there is an English gentleman as representative of English justice and humanity in the position to hold the scales evenly between the semi-civilised potentate and his European landholder, and to protect the weaker, whether Native or European, from oppression and wrong. Such an official I designed the Resident in Zululand to be, and I saw no reason why a good English Resident should not do in Zululand what I have seen done for fiercer and more barbarous tribes, some of them habitually addicted to human sacrifices, who, within my own memory, savagely opposed all ingress of civilized Europeans, but who have within 30 or 40 years of humane but firm treatment been enabled to surpass even our best Fingos in the race of real civilisation.

You will see from what I have said that I do not agree with you, as I understand your views, regarding what it is just to cede to Cetywayo in the disputed territory.

I cannot think that we ought to give to him more than we had ourselves, or than we should give to the French or German nation, were we ceding a slice of territory to them, viz., sovereign rights, *not* rights of private property which happened to have been already established in the land.

It is quite possible that this is not what Cetywayo expected, or that with which he would be content. But I hold we are bound to deal with him according to our notions of justice and morality and not according to his. It would, according to our principles, be an unjust and immoral act to eject a *bonâ fide* settler who had bought and improved his property in the belief that the Transvaal Government had a perfect right to grant it to his predecessor; nor do I think it would be less unjust and immoral were we to make the English or Transvaal taxpayer pay compensation for clearing away the settler with his germ of civilisation so that the land might be made over to the unrestrained will of the Zulu King and his councillors.

Nor do I think it would be good for the Zulu nation were we so to act. There can, I think, be no doubt that it would be one of the best things that could happen, either for themselves or for their neighbours, if in place of their present laws regarding land and its produce, they could learn the value of private property and the supremacy of law above the caprice of a ruler.

With a good Resident to advise and direct the King, and with an intelligent King to be directed, the Zulu nation might learn valuable lessons in civilization from the assigned portion of the Zulu kingdom under the special guidance of the Resident.

Let me add that few things seem to me of greater importance than to teach all in South Africa the essential difference between sovereign and private rights. The distinction is only very imperfectly acknowledged or appreciated by many of our own brethren, many Englishmen, and a very large proportion of the educated Dutch Colonists, have no notion of an assumption of sovereignty by a European power over native territory, unless the transfer is followed by the ejection of the greater part of the black population, and by a division of the country into farms to be held exclusively by white immigrants. That the sovereignty of the Queen should supersede that of the Chief, and yet that every native should remain in his place, governed according to our Queen's general ideas of right and wrong, and not by those of Cetywayo, that he should cultivate his own lands, with additional power to divide and sell them, that he should be able to sell them to any other man, whether black or white, is a state of things many of our people find it difficult to comprehend, and generally believe to be impossible. Yet there can be no doubt that there are millions of non-European races over which the Queen rules after the fashion I have described.

Many thousands of them live in the neighbouring Colony, and in Kaffraria; and I believe it will be a happy day for Zululand, when what may be seen anywhere between Algoa Bay and the Bashee may be seen between the Tugela and the Umvelosi.

Believing as I do, that the want of distinction between sovereign and private rights has been the cause of most of the aggressive wars in South Africa between black people and white, I cannot but think it will be a blessed day for the whole country, when the distinction is generally recognized and observed.

You will probably ask yourself, if you do not ask me, whether I really supposed that Cetywayo could recognize all these distinctions and refinements, and be content with decisions founded on them. I may at once confess that my hopes on the subject were

very faint indeed. Had I consulted only my own experience and knowledge of human nature, I should have doubted if it was possible for a Chief, with Cetywayo's training and antecedents, to be content with any change in things as they are, and which he could safely resist. I was assured on very high authority, that he would recognise the justice of our giving him the utmost we honestly could out of the land he claimed.

I own, when I found that he claimed the whole of Natal and part of Kaffararia, and only waived his claim in consideration of his English friends, but that he distinctly asserted his right to all territory between the Natal border and a point beyond the Limpopo, and that this was done not simply in braggart fashion to show his own importance, but as a lawyer might reserve a claim which he intended to put forward at some future time, I had strong doubts whether he would even thank us for a comparatively small corner of the territory he claimed, and I doubted, further, whether he would believe he had obtained it from our sense of justice, or whether he would not rather attribute the cession to weakness or to fear.

However, I thought it only right to give him every benefit of the belief I found so wide spread, that he would listen to reason, and that if he were justly treated he would not only recognise our justice but be inclined to listen to our advice.

On somewhat similar grounds, I was glad to be able to try how far he would be influenced by the feeling of his people regarding what would be good for them, and I was truly rejoiced to find that the reforms most to be desired for the good of the Zulus were precisely the measures which were calculated to make them safe neighbours of our own Colonies. I gladly, therefore, agreed to try how far we could carry him with us by enlisting on our side the desire of the Zulu people for a better and more humane government for themselves. But I confess I had no great expectations from the force of public opinion in a country where the ruler has unquestioned power to kill without warning any man he pleases, with all his family and belongings, and to confiscate all his property. A country, moreover, where this power has been and is habitually exercised for nearly two generations up to the present day.

I should, however, have shrunk from trusting much to an experiment, which, however benevolently intended, was not, in my opinion, in the least hopeful, had it not happened that the outrages committed by the King's connivance happened to give us a crucial test as to how far we might trust to his good intentions and promises.

The performance of the promises of future good government we demanded of him, required the concurrence of his councillors and people. This we could only hope for if Cetywayo were sufficiently enlightened to appreciate what we thought best for himself and for his people. But there were other demands which we were bound in justice to ourselves to make, and which he could at once concede without asking the consent of anyone.

All the better part of the Zulu nation was averse to be dragged into war for the misdoings of the sons of Sirayo and of Umbelini. His older and more experienced Chiefs of the highest rank were anxious he should comply with our just demand and give up the offenders, and had, we believed, repeatedly urged him to do so. There was nothing to prevent his at once assenting, save his hearty approval of the mischief they had done, and his proud determination to concede nothing, except by force, to the just demands of the white man.

We gave him ample time to consider and reflect, and there can now be no doubt he has chosen to refuse all just redress, and to rely upon his power to do wrong, which he believes to be superior to our power to enforce the right.

His decision is so clear and unmistakable that I have no alternative but to place the further prosecution of our just demands in the hands of the Officer Commanding Her Majesty's Forces, in the earnest hope that as we have exhausted all peaceful means of obtaining just redress, that Great Power which overrules the doings of mankind may direct the issue for the future happiness of the Zulu race as well as of our own.

I have only a few words to add regarding your concluding question as to the finality of the Memorandum regarding the Resident.

Had Cetywayo afforded the redress we demanded, surrendered the offenders, and paid the fines within 20 days, we would gladly have allowed him more time to consider, and assent to other proposals for the better future government of the nation. But he has not complied with the first condition, and I do not anticipate that anything save an appeal to arms can decide the questions which he has now to settle with the Commander of Her Majesty's Forces.

The issue is not in human hands, and it would be useless to speculate upon possibilities; but in no conceivable case could an English Resident now act with a supreme Zulu Chief after the manner indicated in the Memorandum as possible and desirable.

I have, however, no doubt that with some modifications the same system might suit any form of administration by Zulu Chiefs ruling their own people according to their own fashion, and, of course, abiding by the general principles of right and wrong, of the sanctity of human life, and security for public property, which regulate the administration in all civilized and semi-civilized States, and which are equally applicable to all communities, one degree removed from the most utter barbarism.

I trust you will excuse the length of this reply, and the delay in sending it.

I have, &c.

(Signed) H. B. E. FRERE.

Enclosure 3. in No. 19.

MY DEAR SIR BARTLE FRERE,

Bishopstowe, January 14, 1879.

I THANK you very much for the reply (dated Jan. 6) which you have been so good as to send to my letter of the 27th ultimo, and which reached me on January 10th, together with the two printed documents enclosed. I am very sensible of the trouble you have taken in order "to satisfy me as far as possible on the points I mentioned," at a time when your own mind must have been so fully occupied with anxious cares and duties.

2. I trust that you are in no doubt as to my views being in entire accordance with your own on the necessity for repressing sternly any attempt at a raid on this Colony by "hot-headed young men" or others, for the purpose of carrying off women, &c. from our territory, or as to the light in which I regard the killing of these women, or Cetywayo's "killing without warning any man he pleases, with all his family and belongings," which you believe to have taken place of late, and to be still taking place, in Zululand. Though Cetywayo is not, I imagine, by any means so great an autocrat as he is popularly supposed to be, being held in check considerably by his chief indunas and the "Great Zulu Council," as our own King John by his barons, yet I recognized distinctly in speaking to your Excellency his official responsibility for the fault of his young men in Sirayo's case, as also in that of Messrs. Smith and Deighton, though in each case I thought that much might be said to lessen in our eyes his personal offence.

3. Nor did I for a moment suppose that Cetywayo would be allowed to "do as he pleased" on the land restored to the Zulus, that is, "ceded" to them, not in the sense in which your Excellency seems to have used the word, viz., as implying a want of grace, but in the sense in which I used it, viz., of "giving up" land which had been unjustly acquired by the Boers, and taken over pro tem by the English, as an act of plain justice and right between men and men. I did not expect that it would be abandoned "to the caprices of the Zulu King," that he would be "left at liberty to turn out and plunder European settlers, and kill or deprive of their property at will any Zulu men or women who might live there," which, no doubt as you say, "would shock the whole civilized world." I saw, of course, that all this was provided against in the message itself, which stated that a Resident would be appointed whose duty it would be "to see that the rules regarding the trial of all Zulus before punishment are kept, and that no man is killed without trial," and further laid down that "in case of any dispute in which any one of the missionaries or in which any European is concerned, such disputes shall be heard by the King in public, and in presence of the British Resident (when the Resident will either preside himself, or sit as assessor to the King, and have a veto on all stages of the proceedings,—Memo.)," and "no sentence of expulsion from Zululand shall be carried out until it has been communicated by the King to the Resident, and until it has been approved by the Resident." And I expressed to your Excellency my hearty concurrence in the appointment of such a Resident, as well as my sympathy with you in your sense of the extreme difficulty of finding the right man for such an important office.

4. But it still seems to me that the right of the Zulus to the possession of the land in question is reduced by the "Memorandum" to a merely nominal sovereignty, which might indeed be appreciated by a civilized Government, but in Zulus eyes would have no meaning whatever. In the 11th clause it is provided that "the Resident shall have the power of veto on any order for the expulsion or fining of any person of European descent who has once been allowed to reside in Zululand by the King's license, or by unrevoked and tacit permission of residence for one year." And this seemed reasonable so long as the King had power to say at first what "persons of European descent" he was willing to allow to reside in Zululand, since some might be very objectionable, as I pointed out in my former letter. But the second clause takes from him and the Zulu people all

right to have any voice in the matter, and secures that "any Transvaal farmers who obtained rights from the Government of the Republic, and who may now elect to remain on the territory, may possess under British guarantee the same rights they would have possessed had they been grantees, holding from the Zulu King under the guarantee of the Great Zulu Council," and I now understand from your Excellency that this is meant to include the right to buy and sell (?) to anyone whatever, with or without the King's approval, which, I imagine, the Zulu King and Council would never in any case have given.

5. I cannot see how we could have any rights whatever in the eyes of just men and civilized peoples, as representatives of the late Transvaal Government, in respect of land to which the Boers had no right, which, as had been long suspected, and as has been now decided "by a jury carefully selected by ourselves," the late Transvaal Government had taken by encroachment, and had held in spite of constant protests on the part of the Zulus and appeals to our Government seeking redress for their wrongs. As an honourable nation we were holding it, I should say, since the annexation of the Transvaal, as trustees for the rightful owner, whether the present Transvaal Government or the Zulu people, and were bound, in the words of the message, to "give up to the Zulu King and nation land which is thought by the Commissioners to be by strict right belonging to the Zulus." Such restrictions on the free possession of the land as are implied in the appointment of the Resident, I felt we had a right to make, having the power to do so in the interests of humanity and civilization. But to say that we "give up the land to the Zulu King and nation," when we take away from them all power to use it, or the greater part of it, for their own reasonable purposes, seems to me, I must confess, something of a very different character.

6. Nor can I understand how any "private rights" can have grown up under wrongful appropriation, if the land for persons who took their farms from the Boer Government, or bought them from others who had so taken them, with full knowledge that the title was disputed, and that the Zulus have all along been vehemently protesting against the wrong, except, of course, as justifying claims in the case of any who might be ejected, for fair compensation from the Government that did the wrong or from the Government that has taken over its liabilities. Such was evidently the feeling of Sir T. Shepstone when he wrote on January 2nd, 1878 [C 2079 (1878), p. 53]. "When I met the Zulu Prime Minister and the indunas, on the 18th October last, on the Blood River, I was fully prepared, if it should be insisted on by the Zulus, as I then thought it might justly be, to give up a tract of country which had from 13 to 16 years been occupied by Transvaal farmers, and to whose farms title deeds had been issued by the late Government, and I contemplated making compensation to these farmers in some way or other for their loss," and he goes on to speak of this "land," which had for so many years been occupied and built upon by the subjects of the Transvaal, to whom the Government of the country was distinctly liable. Are these very farms to become now the permanent property of their holders under British guarantee?

7. It appears to me, though on this point I regret to find myself differing widely from your Excellency, that the fact that the Boer Government "divided the land" which they had unjustly appropriated, and issued titles making the farms private property, and giving "the right to buy and sell it, which has been frequently exercised, to plant and improve it, to build and live on it," is no reason whatever why these lands should be secured to the present holders in a case like this, where they knew all along that the titles were doubtful and the tenure precarious; whereas landed or other property which had been unlawfully possessed would, under our (Roman) law, be restored to the lawful owner, though the consequences might be most inconvenient where marriage settlements or other arrangements had been for years based upon it. I know of 5*l.* being offered within the last three years for a farm of 6,000 acres in this district, which probably under British guarantee would be worth to its fortunate holder at least 500*l.*

8. Nor does the fact that "such rights would have been secured, as a matter of course, had the land been ceded to any civilised power by cession after conquest, or by any other of the most absolute means of asserting sovereignty," appear to me to apply at all to the present case, where England has not acquired this land by conquest, and has never had any just right to assert any sovereignty over it, except as a temporary provision until the real ownership of the land could be settled. And thus, instead of saying that "we ought not to give him more than we had ourselves, or than we should give to the French or the German nation were we ceding a slice of territory," I should say that we had merely to hand over what we held as trustees for the rightful owners, whoever they might be, and that no "private rights" could have been established except against the unjust Boer Government or its representative, and certainly none

which could be pleaded against the right of the Zulu people to be restored to the actual occupation of the land, with such farmers—and I trust they would be many—as they might allow to live there.

9. But I now also learn that your Excellency “had no intention of recognising any “rights but those of bonâ fide possession, occupation, and improvement by persons who “had every reason to believe that the Transvaal Government had full right to grant a “valid title.” Still I cannot see how the mere fact that these farmers “believed” that the Transvaal Government had such right, more especially when both their feelings as Boers and their interests would strongly tend to confirm such belief in the right of their Government to acquire what lands they liked by encroachment on native peoples around them, as witness President Burgers’ very recent encroachment on Zululand, and the “rounding off” of the Transvaal territory by sweeping in the lands of the Swazis and the Basutos under Sikukuni, really affects the present question, any more than the fact that a person has honestly purchased stolen property would give him under our law a claim to have his rights in it recognised, except as regards his remedy for compensation against the vendor.

And as to the extent of these claims on the part of Transvaal farmers, I believe (as I showed in my former letter) that they will be found to include a very considerable portion of the restored territory, if not, indeed, the whole of it. They certainly do so, in the words of the Memorandum, on the appointment of a Resident, and I presume that proof of “possession” would be given by the mere fact of holding titles of land inspected and registered, while “occupation” would be shown by having sent, or allowed others to send, herds of cattle to graze on them, or native herdsmen and others to dwell on them, and “improvements” can hardly be looked for on grazing farms.

10. I must, therefore, with all due respect, demur to your Excellency’s proposition that “it would, according to our (English) principles, be an unjust and immoral act to “eject a bonâ fide settler, who had bought and improved his property in the belief that “the Transvaal Government had a perfect right to grant it to his predecessor,” unless, indeed, such settler were to be denied a just compensation; and equally to the second proposition, that “it would be no less unjust and immoral were we to make the English “or Transvaal tax-payer pay compensation,” in case it cannot be paid in grants of other Transvaal land. I do not add “for clearing away the settler with his germ of civilization, “so that the land might be made over to the unrestrained will of the Zulu King and his “councillors,” because, as I have explained, the state of things here supposed would have no existence with a good Resident, while the Zulus might (as you say) “learn the value “of private property, and the supremacy, if laid above the caprice of a ruler, and “valuable lessons in civilization” from the farmers allowed to live in their land, such as others have learned elsewhere within your own experience, and such as the Zulus indeed have been learning already from the labourers on the plantations, railways, harbour works, &c., in which a great number of them are annually employed in this Colony.

11. There are other matters of importance touched upon in your Excellency’s letter, but I will not encroach upon your time by saying more at present. The issue of the conflict in which we are now engaged is, as you say, “not in human hands.” The war has begun and will be carried on to the end, with results which are beyond our power of calculating. But over all, we know, is the living God, “Just and right is He.”

I am, &c.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

(Signed) J. W. NATAL.

Enclosure 4. in No. 19.

MY DEAR BISHOP COLENZO,

Pietermaritzburg, January 22, 1879.

I MUST lose no more time in thanking you for yours of the 14th, on which I would ask you to allow me to make a very few observations.

First, I would beg to repeat the distinction which I drew in my former letter, and which I think you have somewhat overlooked, between national or tribal, and personal or individual rights to land. We certainly, as a Government, have too frequently overlooked this distinction in South Africa. I think we are bound to observe it more carefully, and it is in my attempts to guard individual rights of property in land that I think I have most departed from what you consider right in the case before us.

In paragraph 5 you speak of the disputed land as “land to which the Boers had no “right, which as had been long suspected and as has been now decided, the late Trans-
“vaal Government had taken by encroachment, and had held in spite of constant

“ protests on the part of the Zulus and appeals to our Government seeking redress for their wrongs.”

You will allow me to say that I feel sure when you have carefully read the proceedings of the Commission, you will find ground for doubting whether you have accurately apprehended what they found, as it is described in their report, and the evidence they took.

As I gathered from repeated perusals of the report and evidence, the brief history of the facts as they have recorded them was rather this :—

That Cetywayo, when he was not King, but what we should call a candidate for the post of heir apparent, bought the possession of other candidates for that post by a promise of a large tract of Zululand which was marked off and taken possession of by the delegates of the Transvaal Government, who had duly performed their part of the contract, and delivered up the two young men, whose custody Cetywayo desired, taking a solemn promise from him that they should not be harmed.

Cetywayo undertook to obtain the necessary confirmation from his father the King. Up to this point there seems to be little, if any, doubt as to the facts.

But as regards the requisite confirmation of the grants by the then nominal ruler, King Panda, there is more doubt, the Boers telling a very consistent story of repeated visits to the King and confirmation of the cession by him, which they support by written documents.

The Zulus deny the confirmation, impugning as forgeries and untrustworthy the documents produced by the Boers.

The Commission consider the balance of evidence to be against the Boers, and find that the requisite confirmation was never given. This verdict, as relating to a question of fact, is accepted in the award, of which it is, in fact, the basis.

But I am bound to say that a verdict to the opposite effect would, in my opinion, have been at least equally in accordance with my own view of the very conflicting and contradictory evidence. So much depends, however, in matters of this kind on the bearing of the witness and other personal circumstances, which cannot well be estimated from a written record, that I should feel bound to accept the verdict of those who heard the evidence.

The rest of the history is open to less doubt. One of the youths given up escaped from Cetywayo's custody, and the question about the succession was settled in Cetywayo's favour by other means.

It was not till long after this that any formal complaint was made by the Zulus about the disputed boundary.

I find nothing on record from Panda except vague grumbling about “ Boer encroachments.”

Cetywayo, who must have known the whole circumstances of the incomplete cession, made no formal complaint that I can find till Sir Theophilus Shepstone's visit to him in 1873, when he must have felt comparatively secure on the throne, and had nothing to lose by challenging the Boers' right to the land he had promised and made over to them.

Even then he did not himself put forward the plea of unjustifiable encroachment in land west of the Hunting Road which, as I read the whole history, seems rather to have been invented for him by some of ourselves. The Boers' power was, he thought, going down hill, but they had not stopped in claiming further territory, and for one at least of these claims or encroachments (that of the proclamation of the 25th May 1875) I have as yet seen no justification.

But I cannot at all regard his procedure in 1873 as a “ protest or appeal to our Government seeking redress for wrongs.”

In point of fact, I can find nothing like an appeal to us except for connivance at his attacking the Boers.

His appeals were, if anything, simply for our neutrality, just as in the case of the Swazis, when he asked us to consent to his washing his young men's spears in their blood.

The offers to arbitrate originated with the Natal Government, and were by no means willingly accepted by Cetywayo after he had taken the law into his own hands, pushing forward his military kraals or camps on to the ground occupied for many years by Transvaal grantees, and serving through military indunas formal notice to quit upon white settlers, not only in the disputed territory, but far beyond his old boundary to the north.

In judging of his position we must not lose sight of the fact that the limitation of his claim to the land between the Blood River and the Pongola is purely of our own creation.

His own claims, as stated by himself, extended much further, including, as his representative stated, of right the whole of Natal and Northern Kaffraria, and a tract hundreds of miles north of Zululand.

The Natal Government, for reasons which were at the time considered satisfactory, wished to confine the inquiries of the Commission to the tract between the Blood River and the Pongola. But at an early meeting of the Commissioners this limitation was accepted by the Zulu representatives only pro tempore, with a kind of protest that their rights extended much further, a protest renewed and emphasized when the award was communicated to them, and they distinctly reserved their right to bring forward other claims which the Commission had not investigated.

Unless, therefore, I have quite misapprehended the bearing of the report and evidence, Cetywayo's conduct may be rather described as having promised and made delivery of land for a valuable consideration, contriving to invalidate the legal completion of the grant, then forcibly seizing the property in dispute and reluctantly consenting to submit his claims for our consideration, in the hope that we might confirm his right to seize what he claimed.

It was all in his favour that, pending the dispute, the sovereignty of the Transvaal had passed to the English Government, for this constrained us to give every doubtful point in his favour when judging a question in which we ourselves were interested parties.

In paragraph 6 you say you cannot understand "how any private rights can have grown up under wrongful appropriation of the land for persons who took their farms from the Boer Government, or bought them from others who had so taken them with full knowledge that the title was disputed, and that the Zulus have all along been vehemently protesting against the wrong."

I cannot think that this justly describes the position of the Boer occupants. As far as I could judge from the evidence, whether the transfer from the Zulus to the Transvaal was valid or not according to Zulu usage, I see no reason to doubt that the Transvaal Government of the day believed that they had got as formal and complete a transfer as it was possible to get from the Zulu King and people.

Indeed, I scarcely see what more the Transvaal Government could have done to make the cession more formal and complete after they received the reports of their own envoys, followed up by undisturbed possession. Had the Transvaal been annexed 13 years ago, I do not see what room an English Governor would have had at that time for doubting the title of his Government to the tract since disputed.

Let me beg you also to note that the constitutional necessity for the formalities of the confirmation by the Great Council, &c. is disputed by very high authority, Sir Theophilus Shepstone differing from the view taken by the Rev. Mr. Holden in his Zulu history, and since adopted by the Commissioners.

How, under these circumstances, can we say or believe that the grantees took or purchased their farms "with a full knowledge that the title was disputed," or that there had been any "wrongful" appropriation "of the land they took"?

I can find in all the papers before me nothing to justify a suspicion "that they knew all along that the titles were doubtful and the tenure precarious."

I have in my own mind little doubt that many, at least, of the grantees believed that the right and title of the Transvaal Government to grant lands in the disputed territory was, at least, as good as in any other part of the Transvaal.

You will see then why I cannot regard our Government as "trustees" in the sense used in your 8th paragraph, nor can I consider the Boer Government as "unjust" in their action in granting the lands, or in any other sense than our own English Government could be called "unjust" in the grants they made on the Maine and Oregon borders of lands ultimately transferred to the United States Government.

Unfortunately the question, which would have been one of great practical importance had Cetywayo's conduct averted war, is now of little but quasi historical importance, I am anxious nevertheless to explain the grounds on which I acted, and, if possible, to satisfy you that I strove to hold the balance of justice even.

I confess that in a question full of doubts and difficulties I had occasional misgivings in drawing up the award whether I had done full justice to the Transvaal Government and the Transvaal grantees; but I never had the slightest doubt that in what was awarded to the Zulus they received the very utmost it would have been possible for any just arbitration to give them.

I have, &c.
(Signed) H. B. E. FRERE.

No. 20.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received March 1, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,

SIR,

January 26, 1879.

I HAVE the honour to forward papers showing the movements of the forces in Zululand and on the border, and the state of affairs generally.

I have, &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
&c. &c. &c.

MEMORANDUM.

Head-quarter Camp, Zululand, near Rorke's Drift,
January 16, 1879.

THE reports which I receive from officers commanding the several columns now operating against Cetywayo show clearly that at this season of the year a rapid advance into the heart of Zululand is absolutely impossible.

The present state of the roads in Natal will be sufficient to bring home to the mind of every one what difficulties must stand in the way of those who are endeavouring to move forward into an enemy's country over tracts which have never been traversed except by a very few traders' waggons.

No. 3 column at Rorke's Drift cannot possibly move forward even eight miles until two swamps, into which our waggons sank up to the body, have been made passable.

This work will occupy us for at least four days, and we shall find similar obstacles in front of us in every march we are anxious to make.

Accepting the situation, therefore, it remains for me to determine what modification of the plan of campaign at first laid down will be necessary.

I consider that my original idea of driving, as far as possible, all the Zulus forward towards the north-east part of their country is still thoroughly sound.

Without, therefore, attempting to push forward faster than our means will admit of, I propose with Nos. 1, 2, and 3 columns to thoroughly clear or subjugate the country between the Buffalo and Tugela Rivers and the Umhlatoosi River by means of expeditions made by those columns from certain fixed positions.

No. 1 column will, as already instructed, occupy Ekowe.

Instead, however, of crossing the Umhlatoosi River to Mr. Samuelson's mission station (St. Paul's), it will move a portion of its force to Entumeni, and occupy that position as well as Ekowe.

Having established itself firmly in those two positions, the main object of this column will be to clear the Inkandhla bush and forest, or to induce the Chiefs and headmen of the tribes residing or specially stationed in that part of the country to tender their submission.

No. 3 column will first advance to a position near the Insandla hill, and from there, assisted by a portion of No. 2 column, will clear the Equideni Forest, or induce the Chiefs, &c. to submit.

This work completed, the portion of No. 2 column under Lieutenant-Colonel Durnford will move towards the mission station near the Empandleni Hill, whilst No. 3 column advances to a fresh position near the Isipezi Hill, detaching, if necessary, part of its force to support No. 2 column.

These combined moves will, I hope, have the effect of removing any dangerously large body from the Natal border.

Colonel Wood, commanding No. 4 column, has been informed of these intended movements, and has been instructed to act together independently about the head waters of the white Umveloosi River.

When Seketwayo has either surrendered or been defeated, which can only take a few days more to decide, Colonel Wood will take up a position covering Utrecht and the adjacent Transvaal border, wherever he considers his force can be most usefully employed. He will not attempt to advance towards the Inhlazatze mountain until an advance by the other three columns across the Umhlatoosi River has become possible.

By these movements I hope to be able to clear that portion of Zululand which is

situated south of the Umhlatoosi River, and behind a straight line drawn from the head waters of that river to the head waters of the white Umveloosi river.

Should the Swazis come down to the Pongolo River, that part of Zululand which is behind a straight line drawn from the head waters of the Umveloosi River to the junction of the Bevana and Pongola rivers, will also no doubt be abandoned, and possibly as far as the Lebombo mountains.

I trust that this plan of campaign will meet with the approval of the High Commissioner.

From a military point of view I am convinced that it is the only practicable one at this time of year, and if successfully carried out is capable of producing very satisfactory results.

I am equally confident that politically it will also have good results.

We shall occupy a large extent of Zululand, and shall threaten the portion which remains to the King. We shall completely cover the Natal border, and shall to a considerable extent do the same for the Transvaal. We shall oblige Cetywayo to keep his army mobilised, and it is certain that his troops will have difficulty in finding sufficient food.

If kept inactive, they will become dangerous to himself; if ordered to attack us, they will be playing our game.

In every way, therefore, so far as my judgment guides me, the modifications of my original plan will be advantageous to us and disadvantageous to our enemy.

(Signed) CHELMSFORD,
Lieutenant-General.

Governor Sir Bartle Frere, G.C.B., G.C.S.I.,
&c. &c. &c.

DEPUTY ADJUTANT-GENERAL, for the information of His Excellency the HIGH COMMISSIONER.

The 1st battalion of N. N. contingent, a half battalion of 2/24th regiment, and a detachment of Natal Pioneers, moved to-day to the Bashee valley, about five miles from here to be encamped. This force will be employed in repairing a bad part of the road to Ulundi.

Four mounted patrols were sent out this morning in different directions into the interior, but report that they found no sign of the enemy.

The 3rd column, with the exception of the above details, remains encamped on the left bank of the Buffalo at Rorke's drift.

The camp of His Excellency the Lieutenant-General Commanding is still at this place.

Rorke's Drift, 14th January 1879.

(Signed) R. G. GLYN,
Colonel Commanding 3rd Column.

Head Quarter Camp, Zululand, near Rorke's Drift,
January 17, 1879.

I AM directed by his Excellency Lord Chelmsford, K.C.B., Her Majesty's resident in Zululand to inform you that any messengers from the Zulu King are to be informed that they must come to his head quarter camp, and lay the King's words before him.

You are further requested to inform all concerned that no communication will be considered satisfactory unless preceded by the surrender of the prisoners demanded and the unconditional acceptance of all demands as before notified.

A copy of this message should be given in writing to any messenger.

By command,
(Signed) J. N. CREALOCK, Lieutenant-Colonel,
Assistant Military Secretary to the Lieutenant-General and
Officer Commanding No. 3 Column. Resident in Zululand.

Head Quarter Camp, Zululand, Rorke's Drift,
January 17, 1879.

SIR.

I HAVE just received your confidential minute of yesterday's date with reference to Gamdana.

As Lord Chelmsford believes this is the same Zulu with whom he had an interview this morning, whose people he disarmed, and whose cattle he permitted to remain after

taking a certain number as representing the King's, it would appear all the more desirable that he should have the benefit of your presence to advise in dealing with these border Chiefs.

For while they may be in communication with you and receiving an assurance of a certain nature from you, the military authorities in Zululand may be following another line of action; you, yourself, the Lieutenant-General feels sure, must see how detrimental to the interests of Her Majesty's Government any such disagreements between the views of its servants must be, he therefore takes upon himself the responsibility of desiring you to join him here as soon as possible.

Lord Chelmsford proposes to leave his camp on Monday next the first thing, and trusts you will be able to pitch your camp with his that day, and he proposes to move only seven or eight miles to the valley beyond the Sandhllwana Hill.

The Lieutenant-General will be much obliged if you will forward this letter, together with a statement of the action you propose to take, to his Excellency the Lieutenant-Governor, which will prevent any delay in reporting the matter for the information of his Excellency the Lieutenant-Governor.

I have, &c.

(Signed) J. NORTH CREALOCK, Lieutenant-Colonel,

H. Fynn, Esq., Umsinga.

Assistant Military Secretary.

P.S.—In the event of electing to follow the Lieutenant-General's desire to come to him, he is of opinion that Mr. Beaumont should take over your duties.

ASSISTANT MILITARY SECRETARY.

Camp Bambas Kop, January 14, 1879.

MANZINI and Marwanga were sent on January 7, with a message from Colonel Wood to Oham. These men returned on January 13, and report that Oham was not at his house, being still detained at Ulundi by Cetywayo.

Oham's Chief Indunas, Ngwegwana, and Nymubana, received our messengers and hid them in order that they should not be seen by Cetywayo's people, and sent a messenger to Oham to report Manzini's arrival and to carry his message.

Oham's reply is that he returns thanks for the message that he had received, but he is held fast by Cetywayo, and begs that Colonel Wood will point out to him a way by which he may escape. Manzini brought back with him the man to whom Oham had personally given the above message.

(Signed) EVELYN WOOD, Colonel,
Commanding No. 4 Column.

ASSISTANT MILITARY SECRETARY.

Camp Bambas Kop, January 13, 1879.

1. SHORTLY after leaving the General on the 11th instant, I seized some cattle belonging to Inkomo and Sirayo, the exact number is at present unknown, about 2,000. The Zulus made only a show of resistance, stating that they were surprised, though they had received warning from me on the previous day that war would commence on the 11th. They did not expect that the troops would reach them on the 11th.

2. Owing to the hard work undergone by the troops of the column under my command which has been greatly increased by the heavy rain, it has been impossible to obtain any accurate return of the head of cattle captured, the Europeans in the column having marched 46 miles in $27\frac{1}{2}$ hours; a portion of the Natives having marched direct from Utrecht the previous day.

3. In addition to these cattle I have taken two or three thousand head from the Indolosi tribe.

Indolosi was the deceased brother of Seketwayo. This tribe made some show of resistance and one Zulu was killed by Wood's Irregulars in self-defence.

I am assured by the Commandant that the Zulus offered resistance to the capture of the cattle, firing on the Native levies.

4. As I am most anxious to give all encouragement to the men of Seketwayo to come in, I have kept all the cattle taken from his tribe, and from that of Indolosi, in the vicinity of the camp, in order that in the event of Seketwayo coming in I may return them to the owners.

5. I am sending a Dutchman with one of Seketwayo's petty Chiefs at 3 a.m. to-morrow to tell him that he can have all his cattle back, provided he will come in here.

6. At daylight on the 12th instant I despatched a party under Captain Barton, of the Frontier Light Horse, accompanied by Piet Uys a burgher to the vicinity of Niboosar, a petty Chief on the Lower Piraam, who has given considerable trouble to the Transvaal farmers. His men refused to disarm. I regret to state that in order to carry out my instructions the party under Captain Barton's command found it necessary to take the lives of seven Zulus. Although I regret the circumstance I am convinced that it was entirely owing to the great forbearance shewn by Captain Barton, Mr. Piet Uys, and the men under them that so few Zulus were killed, which forbearance enabled many to escape with their arms. Captain Barton and his party brought back to camp about 540 head of cattle. Some few of these I shall return to some friendly Natives.

7. I have reason to believe that about fifty adults of Seketwayo's tribe have already come into this camp, and that more will follow to-morrow and next day. I am therefore most anxious to refrain from taking any step which might discourage any of these men from coming in.

8. About 15 stand of arms were given up to me yesterday by the Natives.

I am, &c.

(Signed) EVELYN WOOD,
Colonel Commanding No. 4 Column.

To the MILITARY SECRETARY to his EXCELLENCY the HIGH COMMISSIONER.

Vecht Kop Camp, Blood River, January 11, 1879.

I HAVE this day received a message from Seketwayo, who informed me that he was anxious to come in and to agree to my terms. I have sent a message to Seketwayo greeting. I have received your message saying that you wished to join me. I am willing to allow you to do so. You must come into Blood River camp bringing as many of your people with you as you can, before the evening of the 12th Jannary, and the remainder of your people can follow you; but they must all come in before the evening of the 14th, and bring with them all their guns, powder, and assegais, which they will have to give over to me for which they will be paid after the war. I shall send you, your people, and cattle to some safe position in our territory, where you will be fed till the war is over. If you do this I promise you in the name of his Excellency the High Commissioner a peaceable enjoyment of your lands in Zululand and independence of Cetywayo.

Signed in the name of his Excellency the High Commissioner this 11th day
of January 1879.

(Signed) EVELYN WOOD,
Colonel Commanding No. 4 Column.

To the MILITARY SECRETARY to his Excellency the HIGH COMMISSIONER.

1. I have heard from three sources that there are four regiments coming from Ulundi to oppose the column under my command.

2. I am moving towards the Intemgeni, and after erecting a work there I shall probably move up stream and attack Seketwayo who is with Umbeline and others in the Intabakula. My object being to clear the country on my left flank before proceeding further into the interior.

3. It was reported on the 15th that an Impi was marching in the direction of Utrecht. I sent out a strong reconnoitering party at 1 a.m. on the 16th, and they found no Impi, but saw the tracks of a body of men having proceeded in the direction of Bargolisini.

4. Many of the natives are giving themselves up to me; I have captured about 4,000 head of cattle.

5. A party of Wood's irregulars sent out yesterday met with some Zulus and report that they killed nine and wounded about 20, sustaining a loss themselves of only two men wounded. They brought in nine guns, 10 assegais, 100 sheep, five prisoners.

6. It is reported that an Impi of about 3,000 Zulus is formed in front of the column under my command.

7. My camp is now about 5½ miles from Inita's kraal.

(Signed) EVELYN WOOD,
Colonel.

— Camp, Ntengemi River,
January 18, 1879.

The MILITARY SECRETARY to His Excellency the HIGH COMMISSIONER.

The following report is forwarded for the information of his Excellency.

(Signed) EVELYN WOOD, Colonel,
Commanding No. 4 Column.

Report of Makidikidi sent on January 4th with a message to Oham.

I was unable to get to Oham on the second day after leaving Blood River. I was taken by an Impi of Cetywayo's men near the Inhlaratye Mountain. They had been sent to take Sirayo's cattle and give them up to the white man. They forced me to go with them. I was with them three days. They turned back when near Rorke's Drift on hearing that the white men had already begun to take Sirayo's cattle. I turned back with them and made my escape on the same night and went to the Rorke's Drift Column, and from there to Dukuza's kraal.

I slept there and came up next day with the Impi which had been sent to take the cattle of the people who had crossed the Blood River. These people are Sirayo's.

(Signed) L. LLOYD,
Political Assistant.

MINUTE PAPER.

Commissioner Lydenburg reports interview with Swazi messengers sent to him by Umbandini and Mampuru.

The Hon. SECRETARY for NATIVE AFFAIRS, UTRECHT.

Within report forwarded by direction of Secretary to Government.

(Signed) C. H. R. NORMAN,
January 18, 1879. Chief Secretary, Native Affairs.

Forwarded for his Excellency the High Commissioner's information.

(Signed) T. SHEPSTONE.
January 21, 1879,
Newcastle.

Please return.

SIR,

Lydenburg, January 13, 1879.

I HAVE the honour to report that in accordance with a suggestion received from his Excellency the Administrator of the Government, Transvaal, I, on the departure of the 13th Regiment from Lydenburg from Derby, sent a message to Umbandini, King of the Amaswazi, informing him of the object of the movement and the reasons which led to the temporary suspension of hostilities with the Chief Sikukuni. I also took the opportunity of reminding him of the promises made to him, and of the obligations he was under to Her Majesty's Government, and the acknowledgment he had made to me of these obligations in February last.

My messenger was well received, and detained for a long time at the kraal of the King. On his return he told me that he bore the thanks of the King for the message I had sent, that some headmen were on their way to see me, and that if I would accompany them on their return and define their boundary, that the Amaswazi would die with the white men in holding it.

In the interview above alluded to Umbandini and his headmen tried repeatedly to obtain from me the views of Government on the Transvaal Swazi Zulu boundary; but my instructions were to avoid entering into this subject.

To-day, on my arrival from Fort Webber, I found the messengers in Lydenburg, Mutatyan and Polana from Umbandini, Jagha and Sheli from Mampuru, the elder brother to Sikukuni, now a refugee in Swaziland. They greeted me from Umbandini, and thanked me in his name for the message I had sent. They said that they had been told to refer of me in pressing difficulties, and now that they were in great perplexity; that messengers had come to the King from different quarters, some asked him to fight, some to give them fighting men, some to tell him to stay quiet, and that he did not know what to do or whom to obey; that fighting was going on all round, and that he did not feel safe; and that as I had been personally introduced to him on the part of Somtsen, he wished to know from me what was going on.

As the messengers alluded in particular to Captain McLleod's mission, I explained to them its nature and object, the position of the High Commissioner and the paramount nature of his authority. I told them that the pretence of not being able to distinguish between Government messengers and others was absurd, as Government messengers were always introduced, that in a Government such as ours while all orders or communications emanated from the same source, divers men and channels were made use of as convenience or necessity dictated. I told the messengers to remind Umbandini of the gratitude he had expressed through me at the position assigned to him by his Excellency, that in his position as feudatory chief he was bound to furnish contingents of armed men to serve when and where required by his sovereign.

The messengers said that my words would satisfy the King who was only anxious to do what was right.

These messengers were the same men who in May last requested permission to lead a force of Swazis against Sikukuni.

I inquired of them if at that time they spoke their own words or if they were messengers from the King. They said that then as now they bore the words of the King, that they had to thank the Government through me for checking the advance of their hereditary enemy Sikukuni and to volunteer assistance in men, that dread of the Zulus prevented them from acting as they would have wished, but that they hoped, when their present anxiety was over to be allowed to redeem the pledge. They further told me that the common talk amongst the Zulus, was that they would not fight in the open country, but would on the advance of the troops retire into the caves at Swaziland, that the object of the last raid made by Umbandini was to reconnoitre the caves in the neighbourhood of Assegai river, more particularly a very large cave, the King's property, situated thereabouts.

I have, &c.

(Unsigned)

R. A.

His Excellency's Commissioner.

To the Honourable
The Secretary for Native Affairs, Pretoria.

FROM COLONEL PEARSON, Commandant No. 1 Column to the MILITARY SECRETARY to
His Excellency the HIGH COMMISSIONER.

Camp, Lower Tugela Drift, Zululand,
January 17, 1879.

SIR,

I HAVE to report that I leave this encampment with the majority of the troops of my column and some waggons at daylight to-morrow morning.

I intend encamping for the night on the left bank of the Inyoni.

This will enable Major Barrow, with some of his mounted troops, to push a reconnoissance during the day (to-morrow) as far as the Umsindusi River.

At daylight on Sunday morning the remainder of the troops, except three companies 99th Regiment will follow with as many commissariat waggons as can be collected in the time.

By Wednesday or Thursday we hope to have some forty waggons more up from Stanger and across the river. These will at once proceed to Ekowe escorted by the three companies 99th Regiment and some mounted men also left behind for scouting.

Every effort will be made by both columns to reach Ekowe by Monday evening.

As the second column (under Colonel Welman 99th Regiment) will leave this week, as regards European troops, I intend dropping three companies 2nd battalion "the Buffs" when I quit my encampment on the Inyoni on Sunday morning, as a reinforcement for that column.

On reaching Ekowe we shall commence at once to form an entrenched depôt, and waggons will be continuously sent back here for supplies, till in the opinion of the Commissary-General, it is adequately equipped.

Commissary-General Strickland having represented to me the very great quantity of labour which will be required in order to equip the depôt on the left bank of the river here, I have determined for the present to leave four companies of the native contingent which I consider will be able to furnish all the requisite fatigue duties.

We have had some difficulty with the entrenchment round the depôt, as in some parts of the ditch, rock was reached at four feet below the surface. The work of excavating has been therefore more troublesome and the progress made towards completing the entrenchment slower than I had hoped.

Nearly all the waggons of the column are now on the left bank, but the oxen still give us a good deal of trouble, as so many of them refuse to face the stream, however, the pont will be available to bring them across when all the waggons are over.

The only news from the front to-day was brought by one of John Dunn's men who came into the camp this morning. He reports the whole of his neighbourhood to be now deserted and the cattle driven into the interior.

You will excuse my mentioning, I hope, that I am relying upon your forwarding my letters to you to Lord Chelmsford as opportunities offer, such, I undertsand, was the arrangement.

I shall continue to write to you as often as I can, but I can no longer count upon sending you a daily letter.

I have, &c.
(Signed) E. K. PEARSON,
Colonel.

The High Commissioner.

TELEGRAM.

From MAJOR WALKER, Fynney Camp, to DEPUTY ADJUTANT-GENERAL, Pietermaritzburg.

Reports from Umhedo Soomopongo and Tollner's Drift and other report two large bodies of Zulus showing every intention of crossing.

Reports through natives state they will cross to-night or to-morrow morning. Report Fynney through spies state that King's intention is to send a body to sweep through Natal. Warn Stanger people. We are turning out all natives we have. 11 p.m., 22nd January.

Stanger, January 25th, 1879.

Officer commanding Tulega reports :—Two of Natal Native contingent just arrived. Colonel Pearson's column reached Ekowe on the 23rd. No resistance. Colonel Pearson has sent large force back to escort Commissariat reserve waggons under Colonel Eley, from the Amatakulu river. Four hundred head of cattle left here this morning to join Colonel Eley. All quiet along Tugela.

W. BELLAIRS,
Deputy Adjutant-General.

(FROM OFFICER COMMANDING, DURBAN, to DEPUTY ADJUTANT GENERAL.)

No further reports received this morning of the Zulu force, which has been hovering recently at the Drift, near Thring's. Commissary-General telegraphed to-day, from Tugela, communication is kept up.

Colonel Pearson's column, by runner of Native Contingent column, is at Ekowe. Cattle all right; none required. Road from Ekowe to Tugela perfectly safe. Assure waggon drivers that there is no danger whatever.

(FROM LIEUT. KINGSCOTE to DEPUTY ADJUTANT GENERAL, Pietermaritzburg.)

At 9.40 last night Zulu attacked the forts on Zulu side of river Tugela. Men turned out very smartly, and opened a heavy fire. Fort Pearson also opened fire from 12-pounders, which caused them to retire. No casualties on our side; and did not send out till daylight to see about enemy.

No. 21.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received March 1, 1879.)

High Commissioner's Office, Pietermaritzburg,
Natal, January 27, 1879.

SIR,

THE telegrams which will reach you by the mail leaving Cape Town on the 28th inst. will have given Her Majesty's Government the leading facts of the disaster which occurred to the camp of Colonel Glyn's (No. 3) column on the 22nd instant, when the camp, a day's march from Rorke's Drift, was surprised by an overwhelming force of Zulus, and Lieut.-Colonel Durnford, R.E., who had just taken the command from Lieut.-Colonel Pulleine, 1/24th, with a detachment of artillery, five companies of Her Majesty's 1/24th and 14 officers, several officers and men of the Natal Mounted Police, Volunteers, and Native Contingent were slain, and the whole of the camp equipage and stores were taken and destroyed.

2. I had collected from the reports of some of the men who escaped as much information as they could give relative to circumstances of this most serious disaster, but I am to-day able to forward a connected report, received from Lord Chelmsford, which gives as full and clear an account as can at present be obtained of all that happened.

3. Much further information will probably be collected by a court of inquiry, which Lord Chelmsford has ordered to meet at Helpmakaar to investigate the facts by inquiry from survivors.

4. There appears, however, to be no doubt that the Zulu force, which was composed of many thousand men of the younger regiments, the élite of the Zulu army, took the camp by surprise. That, in disregard of Lord Chelmsford's instructions, the troops left to protect the camp were taken away from the defensive position they were in at the camp, with the shelter which the waggons, parked, would have afforded, that they were then surrounded and fairly overwhelmed by force of numbers.

Every witness speaks of the desperate courage with which the men of all arms, some of the natives as well as Europeans, fought to the last, but outnumbered by, it is stated, 10 or even 20 times their own force, and exposed, apparently without any cover or advantage of artificial defence, to the rush of such enormous bodies of active athletes, perfectly reckless of their own losses, and armed with the short stabbing assegai, all the Europeans were destroyed where they stood, with the exception of a few of the mounted men, who managed to escape and swim the river.

5. Lord Chelmsford was not informed of the attack till late in the day; he immediately moved back to the camp, but arrived after nightfall to find it destroyed and deserted. He bivouacked with his force among the bodies of the slain, expecting every moment to be attacked by the enemy, who were still in large numbers close round him. When day broke he found his men without food, and with no more ammunition than they carried with them, and he was consequently obliged to fall back on Rorke's Drift, threatened by large bodies of the enemy, who hovered round and followed him up to the river.

6. A large body of several thousands of the enemy had, later in the day, attacked the post which covered the stores, hospital, and ferry-boat at Rorke's Drift. The garrison consisted of one company of Her Majesty's 24th, under Lieutenant Chard, R.E., and Lieutenant Bromhead, Her Majesty's 2/24th. They had fortunately some warning of the attack, and defended themselves so successfully from 5 p.m. on the 22nd to 5 a.m. on the 23rd, that, though they lost many men, they repulsed their assailants with still heavier loss; 370 bodies of the Zulus were buried around the post; large numbers of bloody shields abandoned further off showed that many bodies had been carried off, and all the wounded had been removed, when the approach of Lord Chelmsford's column obliged the attacking Zulu force to retire.

Parties of the enemy crossed into Natal after fugitives, and fired several Natal kraals on the border.

7. I need not attempt to describe the extreme excitement caused in this Colony by this misfortune. Its effects will, doubtless, spread throughout South Africa. The loss of such a large portion of one of the finest and best known of Her Majesty's regiments would be a grievous shock to this and to the Cape Colony; but among the Volunteers, Police, and leaders of Native Contingents, were probably over a hundred young Colonists belonging to the best known and most highly respected Colonial families. The natives under Lieutenant-Colonel Durnford were selected from some of the best and most loyal

tribes in Natal, and the tales brought home by the survivors who have escaped, will carry dismay and terror of the Zulu prowess into every native tribe and location, and spread to tribes far beyond Natal.

8. This, and the difficulty of transport, which is greater in Zululand than was anticipated from experience in the Colony, will probably cause some change in the disposition of the Lieutenant-General's forces, and delay in movement.

But there is no reason to doubt the ultimate success of his plans for the defence of the British Colonies from inroads, and for defeating the armies and putting down the military system of Cetywayo, which is clearly incompatible with the existence of any civilised community near him, unless protected by a strong standing force of regular troops.

9. Reinforcements will certainly be required, till this has been accomplished; the details of what is asked for are already before Her Majesty's Government in telegrams and in the enclosures. But they will not be a great or permanent burden either to the British or Colonial Exchequer, for it is clear that nothing but the iron despotism of Cetywayo keeps together his hordes of desperate gladiators; that when the rules laid down by military authority are followed, those hordes are by no means invincible, and that when once the supremacy of the British power has been established, and the Zulus are left to follow their natural inclinations, they are a people very easily governed and very capable of improvement in civilisation.

10. The brilliant defence of the Rorke's Drift post by a single company of infantry assailed by thousands of the Zulu King's best troops, as already described, and Colonel Pearson's success with No. 1 column, are proofs of what may be done by small bodies of disciplined troops against vastly superior bodies of Zulu warriors when the rules laid down by military authority are carefully observed, and the magnificent courage and unflinching steadiness of the brave men of the 24th and artillery, who died fighting at their posts, must have impressed on the Zulu warriors the conviction that, unless in overwhelming numbers, and with every advantage of position, they have no chance of standing against Her Majesty's British soldiers.

11. Beyond the details given by the previous mail, we have as yet received no further particulars of Colonel Pearson's action in making good his advance to Ekowe. He will probably for the present remain there, and once established, he will effectually cover the coast road and Lower Tugela Valley from any inroad in force.

12. From other parts of South Africa I have received only uniform intelligence of the intense interest with which the contest with Cetywayo is watched by every race and class, and especially by the native tribes. The great meeting of the Transvaal Boers at Wonderfontein will show that in the Transvaal also the war with the Zulus will be regarded as a crucial test of the power of the British Government to protect them, and to perform the promises made in its name at the time of annexation.

13. Her Majesty's Government will have heard with regret of the grounding of H.M. ships "Active" and "Tenedos" on a shoal previously unknown and unmarked, when examining the Zulu coast. The temporary disabling of H.M. ship "Tenedos" will be a serious loss to us, as the aid given by Captain Adeane and his crew promised to be as effectual as that we have already repeatedly received throughout the late and present war, from Commodore Sullivan and the "Active," which carries his pennant.

I have, &c.

(Signed) H. B. E. FRERE,

The Right Hon. the Secretary of State,
Colonial Office.

Governor and High Commissioner.

Enclosure 1. in No. 21.

R. M. Office, Greytown, January 23, 1879.

SPECIAL runner Deloza to Pietermaritzburg, with Despatch to Sir Bartle Frere, leaves Greytown 3.15 p.m.

(Signed) G. HOLMAN,

Constable and Messenger for R. M. on duty.

RECEIVED at Government House, Pietermaritzburg, 8.15 a.m., January 24, 1879.

(Signed) WILL. LITTLETON, Private Secretary.

Enclosure 2. in No. 21.

From OFFICER COMMANDING B. Co. 2/24TH REGIMENT to OFFICER COMMANDING 1/24TH REGIMENT, Helpmakaar.

SIR, Camp, Rorke's Drift, January 22, 1879.
INTELLIGENCE has just reached camp that the camp at the Isandula Hill is taken by the enemy.

I have, &c.
(Signed) G. BROMHEAD, Lieut.,
Commanding B. Co. 1/24th Regt.

Enclosure 3. in No. 21.

SUPPLEMENT to the "NATAL WITNESS," Friday, January 24, 1879.

The Zulu War.

OFFICIAL TELEGRAMS.

Witness Office, 10 a.m.

CAPTAIN Stafford and Lieutenant Davis of the Natal Native Contingent have returned to Pietermaritzburg bearing the news of severe loss sustained by a force apparently under the command of Colonel Durnford, R.E., about 10 miles from Rorke's Drift on Wednesday 22nd.

Lieut.-General Lord Chelmsford was a few miles in advance, and appears to have engaged at the same time with the Chief Matyana, but Colonel Durnford's force had to bear the brunt of the attack of a very strong, possibly the main body of the enemy, while protecting a large convoy of stores.

The action began at 11 a.m. with the enemy's skirmishers who were supported by a dense mass of Zulus. These, in spite of the heavy loss inflicted upon them by the fire of our men, gradually closed in and overpowered them. Some of our men made good their retreat in the same direction as Captain Stafford and Lieutenant Davis, and crossing the river at a ford below Rorke's Drift, reached Helpmakaar the same night.

They believe that others cut their way through the enemy in the direction of the General's main force, but there seems no room to doubt that our loss has been very heavy.

The exact force engaged is not known, but apparently three companies of the 24th Regiment, and detachment of the Carabineers, and of the Buffalo Border Guard, a portion of Commandant Lonsdale's Regiment of the N.N.C., and about 500 natives of Colonel Durnford's battalion, with two guns and a rocket battery.

No particulars have been received of the engagement fought at the same time by the main body of Colonel Glyn's column, under Lord Chelmsford's personal command, but natives who had come in and were met by Captain Stafford and Mr. Davis state that the General had been successful, and he will probably return at once to the scene of Colonel Durnford's engagement, and further reports from him may be hourly expected.

The names of the officers and men lost will be published as soon as they can be ascertained beyond doubt.

Captain Stafford and Mr. Davis spoke most highly of the conduct of all engaged, and of the admirable courage and firmness of the men of the N.N.C.

Pietermaritzburg,
January 24, 1879, 8.30 a.m.

By command,
WM. LITTLETON.

Enclosure 4. in No. 21.

THE High Commissioner states, with deep regret, that he has received a Despatch from General Lord Chelmsford, dated Rorke's Drift, 23rd instant, and stating that No. 3 Column has sustained a very serious loss on the previous day at the camp near Isandula, about nine miles from Rorke's Drift. Lord Chelmsford was himself in advance with the main body of the column. His Excellency states that the Mounted Police and several corps under Captain Shepstone's command, together with two battalions of the Natal Native Contingent under Commandant Lonsdale, proceeded to search Matyana's

district, Major Dartnell in command of the mounted troops. They found it necessary to bivouac, and on the night of the 21st, about 16 miles from Isandula camp, and on the following morning Lord Chelmsford proceeded with 2/24th, under Colonel Degacher, 4 guns Royal Artillery, under Colonel Harness, the Mounted Infantry, and two companies of Pioneers, the whole under the command of Colonel Glyn, to strengthen them. The troops left in Isandula camp consisted of five companies of the 1/24th, two guns, Royal Artillery, about 20 Mounted Infantry, and 30 Mounted Police, and 30 Natal Volunteers, besides numerous camp followers. The rocket battery, under Captain Russell, R.A., commanded by Colonel Durnford, R.E., arrived at the camp in the course of the morning. On hearing that the camp had been attacked the General at once moved back and found it had been in complete possession of the Zulus, tent and waggons looted and destroyed, and the oxen gone. The General further states that the camp had been defended with the utmost gallantry, but our forces were overwhelmed by numbers. His Excellency did not arrive at the camp until nightfall, and with his troops bivouacked among the bodies of his dead soldiers and the enemy. On the morning of the 23rd his Excellency the General and the force with him reached Rorke's Drift without interruption, though large bodies of the enemy were seen in the distance, and found the pont, &c. uninjured. A determined attack had been made during the night on the commissariat station there, which was occupied by a company of the 2/24th under Lieutenant Bromhead, the whole being under the command of Lieutenant Chard, R.E. These officers and their men made a most gallant and effectual resistance. His Excellency states it is reckoned the attack on the Isandula camp was made by 15,000 to 20,000 Zulus, and that he cannot yet give any details of our severe losses.

Later accounts from authentic sources report that Major Dartnell and Commandant Lonsdale's forces at Rorke's Drift have had an engagement with the enemy, in which they were victorious, with the loss to our forces of two natives of the Natal Native Contingent.

By command,
(Signed) W. LITTLETON,
Private Secretary.

High Commissioner's Office, Pietermaritzburg,
January 25, 1879.

Enclosure 5. in No. 21.

COLONEL BRAY's very clear and useful letters dated Court House, Sandspruit, Umzinga, 8 a.m. and 1.25 p.m., 23rd January 1879, contain details as he gathered them from fugitives from the disaster of the 22nd, *e.g.* :—

Private Edwards, of the Buffs, Mounted Infantry, who was ordered with two others to ride as hard as he could to Rorke's Drift to give the alarm.

Lieutenant Andrews, 1st company Native Pioneers.

Mr. Brickhill, interpreter to Colonel Glyn's column, states :—

"I was with Colonel Pulleine when, about 12 o'clock, he received an order from the General to strike his camp and follow him. Captain Shepstone came up and stated the enemy in large numbers were over the hill, and that his men then out would require support. Some were thrown out in great haste, some half dressed, and met the Zulus, who kept up a hot fire as they continued to advance on the camp. The Natal Native Contingent, both horse and foot, retired fighting, but were overpowered by Zulus, who outflanked us on both sides, and nearly surrounded our people, who had two guns, five companies of 1/24th Regiment, Colonel Durnford's contingent, and odds and ends of Police, Volunteers, and Mounted Infantry. The Zulus, being very strong and very bold, completely drove everything before them, and eventually broke us. We were driven through our camp, and many were killed in the camp. I then started as fast as I could on horseback and made for the river, seven miles off, pursued by the enemy on both sides. A few crossed with me. The river was not fordable, and very dangerous.

"A great many Zulus were mowed down, but it did not seem to stop them."

Mr. Alexander was with the General, and was sent back by his captain to assist in moving the camp. It was being struck when the fight began, he assisting in firing at the enemy as they poured round hills A and B in sketch plan, and drove our troops pell-mell before them all mixed up. "I then rode for the river. When I left the plain was

"black with Zulus; they were advancing through the camp. The Zulu loss must have

" been very heavy. Three horsemen swam over with me, and a mixed lot of soldiers and natives trying to get over."

Colonel Bray received the first news at Umzinga Court House, saw Mr. Beaumont, the magistrate, and found he had ordered all the farmers near into the court house which was loop-holed and defensible. By working all day this was made into a defensible post. They stopped 25 carts of ammunition which had just left for Helpmakaar with an escort of only 20 soldiers of the 24th, as the Zulus were reported to have crossed the river, and to be burning kraals between it and the road.

Mr. Fynn, the magistrate and border agent, rode in the afternoon from Lord Chelmsford's force. He described the defence of the post at Rorke's Drift by Lieutenant Chard, R.E., and Lieutenant Bromhead, H.M.'s 24th as a very gallant affair.

No. 22.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the
RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received March 1, 1879.)

High Commissioner's Office, Pietermaritzburg,

SIR,

January 27, 1879.

I HAVE the honour to forward copy of his Excellency General Lord Chelmsford's Despatch to the Secretary of State for War of this day's date.

I have, &c.

The Right Hon. the Secretary of State,
Colonial Office.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 1. in No. 22.

ACTING MILITARY SECRETARY TO HIGH COMMISSIONER.

SIR,

Pietermaritzburg, January 27, 1879.

I HAVE the honour to forward a copy of the Despatch which his Excellency the Lieutenant-General forwards this day to the Secretary of State for War.

I have, &c.

(Signed) J. NORTH CREALOCK, Lt.-Colonel,
Acting Military Secretary.

Enclosure 2 in No. 22.

From Lieutenant-General LORD CHELMSFORD, K.C.B., to the Right Honourable the
SECRETARY OF STATE FOR WAR.

SIR,

Pietermaritzburg, Natal, January, 27, 1879.

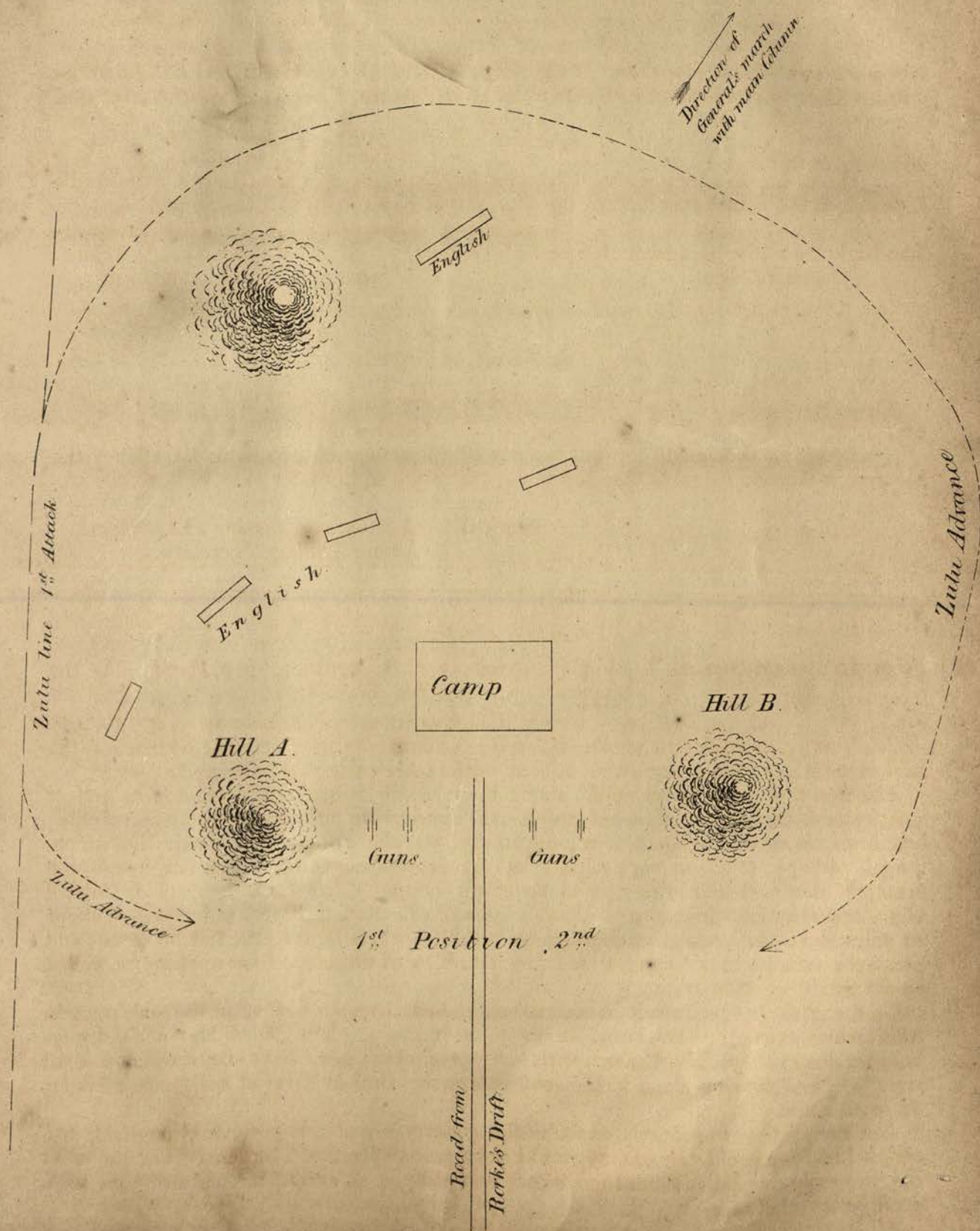
THE telegram I sent you to-day will have conveyed the sad intelligence of the misfortune which has occurred to a portion of the force under my command.

The Court of Inquiry which is about to assemble will, I trust, be able to collect sufficient evidence to explain what at present appears to me almost incomprehensible; but, from the account of the few who escaped, I am able to give you a narrative which, though perhaps not absolutely accurate as to facts, will convey to you a fair idea of the events of that melancholy day. On the 20th January, No. 3 Column, under Colonel Glyn, broke up from its camp on the left bank of the Buffalo River, and marched about 10 miles along the waggon track which leads from Rorke's Drift to the Indeni Forest, and encamped with its back to an isolated, precipitous-sided hill of peculiar appearance, called Insalwana.

On the 20th, I myself made a reconnaissance about 10 miles farther on the same waggon track, which skirts the Inhlazatye Mountain, as far as a place called Matyana's stronghold—a deep valley, full of caves, with three precipitous sides, over one of which a small river falls, and, flowing along its bottom, enters the Buffalo River at a distance of about 12 or 15 miles.

Not having time to properly examine the country round this peculiar stronghold, into which I had been told the enemy would very probably retire, I ordered that the next day two separate parties should move out from camp at an early hour, and bring me back a full description of it.

Copy of a sketch by Colonel Bray, C.B., Her Majesty's 4th K.O., made from oral information given him by M^r Brickhill and others, of the action, on the 22nd, January, 1879; with additions from other sources.



One under Major Dartnell, consisting of the mounted police and volunteers of which he is commandant, took the same road that I had taken, whilst another consisting of two battalions Native Contingent under Commandant Lonsdale worked round a flat-topped mountain, called Malakata, which is the southern part of the Inhlazatye range.

The orders given to the commanders of these two parties were that they were to effect a communication along the open ground on the Inhlazatye range, and then return to camp with the information they had been able to obtain. At about 3 p.m. one of my own staff officers, who had accompanied Major Dartnell, returned to camp and reported that the latter had been unable to effect a complete reconnaissance of the country beyond the small river alluded to, as he had found it occupied by the enemy in some force, that he had called up the two battalions Native Contingent, and that if I sent him three companies of British Infantry to give them confidence he would be able to attack. I did not consider it advisable to comply with this request as the day was far advanced and the distance great. Biscuit was sent out to the force which bivouacked on the northern edge of the Inhlazatye range. At 2.30 a.m. on the 22nd January, Colonel Glyn having received a despatch from Major Dartnell, saying that the enemy was in great force in front of him, sent his senior staff officer to inquire what I would wish done.

Feeling that the position was rather critical, I ordered Colonel Glyn to move to his assistance with all the available men of the 2nd Battalion 24th Regiment, consisting of six companies, and also to take four guns and the mounted infantry.

An express was sent off to Lieutenant-Colonel Durnford, Royal Engineers, who was at Rorke's Drift with 500 natives, half of whom were mounted and armed with breech-loaders, to move up to strengthen the force which were left to guard the camp.

The strength of this force was as follows:—

Royal Artillery, 2 officers, 78 men, 2 guns.

Two rocket tubes, 1 officer, 10 men (Lieutenant-Colonel Durnford's force).

First Battalion 24th Regiment, 15 officers, 334 men.

Second Battalion 24th Regiment, 5 officers, 90 men.

Mounted European Corps, 5 officers, 204 men.

Natal Native Contingent, 19 officers, 391 men.

Natal Pioneers, 1 officer, 10 men.

Lieutenant-Colonel Durnford's force, 18 officers, 450 men.

Total natives, 851 men.

Total Europeans (including officers), 772.

Lieutenant-Colonel Pulleine, 1st Battalion 24th Regiment, was left in charge of the camp, and received strict instructions that he was left there to defend it.

The reinforcement under Colonel Glyn moved off at daybreak, and I accompanied it, pressing forward with a small escort of the mounted infantry. I reached Major Dartnell, about 6.30 a.m., and at once ordered him to send out his mounted men to gain intelligence of the enemy, whose whereabouts did not appear to be very certain.

The enemy shortly after showed in considerable strength on some heights, opposite to the Inhlazatye range, but at some distance, and appeared to be advancing to take possession of a projecting spur which ran out into the plain beneath, and completely commanded it.

I at once ordered the two battalions Native Contingent to move across and occupy the spur in question, and sent word to Colonel Glyn to move with the guns and 2nd battalion 24th Regiment up a valley which lay to the left of the spur in question.

The mounted infantry looked after the left flank, and the mounted police and volunteers guarded the right.

A general advance was then made, and the enemy retired without firing; on the extreme right, however, the Natal Carabineers, under Captain Shepstone, managed to cut off about 300, who took refuge on a difficult hill and in some caves. These were finally dislodged with the assistance of some of the Native Contingents, and fifty were killed.

The main force of the enemy retired to Isipisi Hill, which was about six miles off, on their flanks being threatened by the advance of the mounted corps.

Whilst these operations were going on, Colonel Glyn received, about 9 a.m., a short note from Lieutenant-Colonel Pulleine, saying that firing was heard to the left front of the camp, but giving no further particulars.

I sent Lieutenant Milne, R.N., my A.D.C., at once to the top of a high hill from which the camp could be seen, and he remained there for at least an hour with a very powerful telescope, but could detect nothing unusual in that direction.

Having no cause, therefore, to feel any anxiety about the safety of the camp, I ordered Lieutenant-Colonel Russell to make a sweep round with the mounted infantry to the

main waggon track, whilst a portion of the infantry went over the hill top to the same point, and the guns with an escort retraced their steps.

I, myself, proceeded with Colonel Glyn to fix upon a site for our new camp, which I had determined to shift the next day to ground near the Mangeni River, which runs into Matyana's stronghold.

One battalion of the Native Contingent was ordered to march back to camp across country, and to examine en route the different deep dongas, or water cuttings, which intersect the plain, and which might very possibly conceal some of the enemy.

Having fixed upon the situation for the camp, and having ordered the troops then on the ground to bivouac there that night, I started to return to camp with the mounted infantry under Lieutenant-Colonel Russel as my escort, when within about six miles of the camp I found the 1st Battalion Native Contingent halted, and shortly after Commandant Lonsdale rode up to report that he had ridden into camp, and found it in possession of the Zulus.

I at once sent word to Colonel Glyn to bring back all the troops, and I myself advanced with the mounted infantry and the Native Contingent battalion for about two miles, when I halted to await the arrival of the rest of the force.

Lieutenant-Colonel Russell went forward to reconnoitre the camp, and fully confirmed all that Commandant Lonsdale had reported.

On the arrival of Colonel Glyn and his force, I at once formed them up into fighting order; guns in the centre, on the road with three companies 2nd Battalion 24th Regiment on each flank in fours; Native Contingent battalions, one on each flank of the 2nd Battalion 24th Regiment in line, Europeans and natives, armed with guns, forming a third rank in front; mounted infantry on the extreme right, Natal mounted volunteers on the extreme left, mounted police in reserve.

We advanced in this order across the plain with great speed and in excellent order, but could not reach the neighbourhood of our camp until after dark.

The artillery came into action on the road, and shelled the crest of the narrow neck over which our line of retreat lay, whilst the left wing under Major Black, 2nd Battalion 24th Regiment, moved forward to seize a small stony hill on the left of this neck, the occupation of which would secure our left flank.

Major Black seized the position without opposition, and the right wing then advanced and occupied the neck in question, the right flank being protected by the precipitous sides of the Insilwana Hill.

The whole force lay down amidst the débris of the plundered camp, and the corpses of dead men, horses, and oxen, fully expecting to be attacked in front, and most probably in rear also.

A few alarms occurred during the night, but it passed, however, without a shot being fired at us.

At early dawn the following morning I ordered the troops to move off with all speed to Rorke's Drift, about which post I was in some anxiety.

The troops had no spare ammunition and only a few biscuits, a large portion of them had had no other food for 48 hours. All had marched at least 30 miles the day before, and had passed an almost sleepless night on the stony ground. No one, therefore, was fit for any prolonged exertion, and it was certain that daylight would reveal a sight which could not but have a demoralizing effect upon the whole force.

I determined, therefore, to reach our nearest supply dépôt at Rorke's Drift, as quickly as possible, and, as I have already said, moved off before it was fairly light.

On sighting the post at Rorke's Drift, heavy smoke was seen to be rising from the house, and the Zulus were seen retiring from it.

It appeared as if our supplies at that post were lost to us, and I felt that those at Helpmakaar, some 12 miles further off, must have shared the same fate.

To our intense relief, however, on nearing the Buffalo River the waving of hats was seen from the inside of a hastily erected entrenchment, and information soon reached me that the gallant garrison of this post, some 60 of the 2nd Battalion 24th Regiment, under Lieutenant Bromhead, and a few Volunteers and Departmental Officers, the whole under Lieutenant Chard, R.E., had for 12 hours made the most gallant resistance I have ever heard of against the determined attacks of some 3,000 Zulus, 370 of whose dead bodies surrounded the post.

The loss of the garrison was 13 killed and 9 wounded.

On reaching Rorke's Drift, I, for the first time, heard some particulars of the attack upon the Insilwana camp, and am thus able to furnish the following narrative, the absolute accuracy of which, however, I cannot vouch for:—

Shortly before the arrival of Lieutenant-Colonel Durnford in camp with his 450

natives, information had reached Lieutenant-Colonel Pulleine from the left picquets that a number of Zulus had been seen on that flank.

On receiving this information, Lieutenant-Colonel Durnford asked Lieutenant-Colonel Pulleine to give him two companies of British Infantry, in order that he might move up the heights on the left and attack them. Lieutenant-Colonel Pulleine at once stated that his orders were to defend the camp, and that without a positive order he could not allow the companies to leave.

Lieutenant-Colonel Durnford then took his 450 natives up the heights, and went, so far as I can learn, about five miles from camp, when he found himself in front of a very large army of Zulus.

He at once sent back word to Lieutenant-Colonel Pulleine, and with his Mounted Basutos retired slowly before the Zulus, who advanced to attack him.

The Mounted Basutos, I hear from many quarters, behaved remarkably well, and delayed the advance of the enemy for a considerable time.

Their ammunition, however, began to run short, and they were at last obliged to retire quickly on the camp.

Being unable to find a fresh supply of ammunition, it appears they disbanded themselves and made the best of their way to the Buffalo, where they swam the river and recrossed into Natal, assisting, however, as far as they could, many of our fugitives from the camp to escape.

As regards the proceedings of the six companies of British Infantry, two guns and two rocket tubes, the garrison of the camp, I can obtain but little information.

One company went off to the extreme left and has never been heard of since, and the other five, I understand, engaged the enemy about a mile to the left front of the camp, and made there a most stubborn and gallant resistance.

So long as they kept their faces to the enemy the Zulus were, I am told, quite unable to drive them back, and fell in heaps before the deadly fire poured into them.

An officer who visited this part of the field of battle on the following morning reported that the loss of the Zulus in killed could not be less than 2,000.

When, however, the Zulus got round the left flank of these brave men they appear to have lost their presence of mind, and to have retired hastily through the tents which had never been struck.

Immediately the whole Zulu force surrounded them, they were overpowered by numbers, and the camp was lost.

Those who were mounted ran the gauntlet, and some small portion managed to reach the river, which, however, at the point of crossing was deep and rapid.

Many were shot or assegai'd, and many were swept away by the current, and it is presumed have been drowned.

Had the force in question but taken up a defensive position in the camp itself, and utilized there the materials for a hasty entrenchment which lay near to hand, I feel absolutely confident that the whole Zulu army would not have been able to dislodge them.

It appears that the oxen were yoked to the wagons three hours before the attack took place, so that there was ample time to construct that waggon laager which the Dutch in former days understood so well.

Had, however, even the tents been struck, and the British troops placed with their backs to the precipitous Isalwana Hill, I feel sure that they could have made a successful resistance.

Rumours reached me, however, that the troops were deceived by a simulated retreat, and in their eagerness to close with the enemy allowed themselves to be drawn away from their line of defence.

Our actual loss cannot as yet be correctly ascertained, but I fear that it cannot be less than 30 officers and about 500 non-commissioned officers, rank and file, belonging to the Imperial troops, and 21 officers and 70 non-commissioned officers, rank and file of the Colonial forces.

The effect of this disaster throughout the Colony has already shown itself, and the European colonists generally are in great alarm.

The result of this has been to produce a similar effect upon the native mind, and our Native Contingents are beginning to lose heavily by desertion.

This will, I trust, be checked with a firm hand by the Natal Government, as the natives were ordered out by their supreme chief, the Lieutenant-Governor of Natal, and have no right to leave their corps until released by his order.

The fact remains, however, that the Natal native allies are no longer to be depended

upon, and additional British reinforcements must be sent out if the operations against the Zulus are to be carried to a successful issue.

The country is far more difficult than I had been led to expect, and the labour of advancing with a long train of waggons is enormous.

It took seven days' hard work, by one half of No. 3 Column, to make the 10 miles of road between Rorke's Drift and Insalwana Hill practicable, and even then had it rained hard I feel sure that the convoy could not have gone on.

The line of communication is very much exposed, and would require a party of mounted men always patrolling, and fixed intrenched posts of infantry at intervals of about 10 miles.

Under these circumstances I feel obliged to ask for the following reinforcements, viz. :—three British Infantry Regiments, two Cavalry Regiments, and one Company Royal Engineers.

The cavalry must be prepared to act as mounted infantry, and should have their swords fastened to their saddles, and their carbines slung, muzzle downwards, by a strap across the shoulder. The swords should, if possible, be somewhat shorter than the present regulation pattern.

At least 100 artillerymen, with farrier, shoeing smith, and collar maker, must be sent out at once to replace casualties in N-5th, Lieutenant-Colonel Harness' battery. A dozen farriers or good shoeing smiths are urgently required for the several columns, and two additional veterinary surgeons for dépôt duty would be very valuable.

If the reinforcements asked for are sent out at once they will arrive at the most favourable time for campaigning, namely, at the end of the rainy season.

I have, &c.
(Signed) CHELMSFORD,
Lieutenant-General.

APPENDIX.

ACTS recently passed by the Legislature of the Cape of Good Hope to make Provision
for the Defence of the Colony.

Act No. 5 of 1878.

ANALYSIS.

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| <p>Preamble.</p> <ol style="list-style-type: none"> 1. Enrolment of not more than 3,000 men as colonial yeomanry. 2. Three regiments to be formed. 3. Divisions represented in each regiment. 4. Stations of each regiment. 5. Governor to appoint commandant-general. 6. Men enrolled must be residents of divisions represented by their regiment. 7. Officers to be appointed. 8. Commissions to be issued. 9. Non-commissioned officers.
How removable. 10. Oath to be taken. 11. Muster and drill. 12. Every man bound to keep horse, saddle, and bridle.
Allowances for that purpose. 13. Pay. 14. Governor to provide arms, &c. 15. Regulations to be made by Governor subject to sanction of Parliament. 16. Governor's power to discharge men. | <ol style="list-style-type: none"> 17. Commanding officers to make returns to commandant-general. 18. Governor to provide transport. 19. Discharged men to give up arms and accoutrements. 20. Penalty for not attending musters. 21. Penalty for selling, destroying, or damaging arms or accoutrements. 22. Offences.
Penalty. 23. Penalty for obstructing regiments. 24. How penalties to be accounted for. 25. Arms, &c., not liable to seizure under legal process. 26. No tolls payable by men on duty. 27. Arrest, &c., of offenders.
Fines, how recoverable. 28. Courts of inquiry. 29. Orders by Governor and officers may be verbal. 30. Costs of carrying out Act. 31. Meaning of term "Governor." 32. Short title. |
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ACT for the establishment of a Colonial Yeomanry Force. [Assented to August 2, 1878.]

WHEREAS it is expedient to make better provision for the defence of this Colony, and for that purpose to establish a mounted yeomanry force therein : Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows :

1. It shall be lawful for the Governor aforesaid to cause fit and able men, of European extraction, not exceeding in number three thousand, who are willing to serve, to be enrolled and embodied as mounted yeomanry, for the defence of the said Colony, and for general military service within the said Colony, or beyond the borders thereof, wherever the interests of the Colony may require.

2. There shall be three regiments of such mounted yeomanry, each not exceeding one thousand in number, of which number as many as the Governor shall deem fit shall be specially trained to artillery practice.

3. The said several regiments shall respectively be as follows, that is to say :—There shall be for the divisions of King William's Town, East London, Victoria East, Peddie, Albany, Bathurst, and Alexandria, one regiment to be styled the First Cape Yeomanry Regiment; for the divisions of Queen's Town, Aliwal North, Albert, Middelburg, Cradock, Fort Beaufort, Wodehouse, Stockenstrom, and Bedford, one regiment, to be styled the Second Cape Yeomanry Regiment; and for the divisions of Graaff-Reinet, Somerset East, Uitenhage, Port Elizabeth, and Humansdorp, one regiment, to be styled the Third Cape Yeomanry Regiment.

4. The head-quarters of the said First Cape Yeomanry Regiment shall be stationed at King William's Town; of the said Second Cape Yeomanry Regiment at Queen's Town; and of the said Third Cape Yeomanry Regiment at Uitenhage; but the Governor may hereafter, whenever it may appear desirable so to do, order and direct that the head-quarters of any of the said regiments be changed to a more convenient place.

5. The Governor shall have the power of appointing a qualified person to be commandant-general of all the colonial forces, who shall be responsible for the efficiency of such forces.

6. Every person enrolled and embodied in any of such regiments of yeomanry as aforesaid, shall be resident within some one of the said several divisions for which such regiment shall be raised as aforesaid, and in enrolling and embodying men under this Act they shall be chosen with a view, as nearly as may be, to convenient access to places of muster as in this Act provided.

7. It shall and may be lawful for the Governor, as occasion shall require, to appoint for every such regiment the following permanent staff, that is to say :—One commanding officer to be styled colonel, one adjutant or instructor of musketry, one paymaster and quarter-master, one sergeant-major, five staff-sergeants, and two clerks : Provided always, that the said Governor may at any time, if he so thinks fit, accept the resignation of, and may displace, remove, or dismiss, all or any of such persons, and in all cases of vacancy by resignation, death, removal, or otherwise, it shall and may be lawful for the said Governor to appoint other persons to fill such vacancies.

Preamble.

Enrolment of not more than 3,000 men as colonial yeomanry.

Three regiments to be formed.

Divisions represented in each regiment.

Stations of each regiment.

Governor to appoint commandant-general.

Men enrolled must be residents of divisions represented by their regiment.

Officers to be appointed.

Commissions to be issued.	8. It shall and may be lawful for the Governor, from time to time as occasion may require, to appoint and issue commissions to a sufficient number of captains, lieutenants, and surgeons for every such regiment.																																																
Non-commissioned officers how removable.	9. It shall and may be lawful for the commanding officers of the said regiments respectively, to appoint such number of sergeants and corporals as the Governor may from time to time authorise to be appointed: Provided always, that the said respective commanding officers, acting upon the judgment of a regimental court-martial, shall have the power to displace or reduce to a lower rank such sergeants and corporals respectively; such court-martial to consist of three officers of the said yeomanry force, of whom one shall be of at least the rank of a captain, and the displacement or reduction to be subject to the review and approval of the commandant-general of the Colonial forces.																																																
Oath to be taken.	10. Every person who shall be enrolled in any of the said regiments shall be bound to serve for three years, and shall, upon enrolment, be required to pass a medical examination, and take the following oath, or make an affirmation to the same effect, before some duly authorised person; that is to say, "I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, according to law, and that I will faithfully serve in the Mounted Yeomanry of the Colony of the Cape of Good Hope for three years, unless I shall be sooner discharged."																																																
Muster and drill.	11. Persons enrolled in the said several regiments shall be bound to muster and to attend local drill and rifle or artillery practice one day in each month, and they shall further be liable to be called out and to muster once in each year for training, for a period not to exceed seven consecutive days. And it shall and may be lawful for the Governor to name convenient times and places for the said monthly and yearly musters, and to make regulations for giving due notice of the times and places for the same, and for the general management of such musters.																																																
Every man bound to keep horse, saddle, and bridle.	12. Every person so enrolled as aforesaid, shall be bound to supply himself with, and to maintain and keep in good order and condition, a suitable horse, saddle, and bridle, which shall be subject to the approval of such person or persons as the Governor may appoint for that purpose, to defray the expenses of which the yearly sum of 25 <i>l.</i> for the first year, and for each of the two succeeding years the sum of 15 <i>l.</i> shall be granted to him, one moiety thereof to be payable at the end of each half year of service, upon satisfactory proof that during such time he has owned, maintained, and kept serviceably the said horse, saddle, and bridle, and under such other conditions as the Governor shall provide by any regulations to be framed under this Act.																																																
Allowances for that purpose.	13. Pay shall be allowed for the yearly trainings only, at the following rates; that is to say,																																																
Pay.	<table><tr><td>Captains</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>15<i>s.</i></td><td>per diem.</td></tr><tr><td>Lieutenants</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>11<i>s.</i></td><td>"</td></tr><tr><td>Surgeons</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>31<i>s.</i> 6<i>d.</i></td><td>"</td></tr><tr><td>Sergeants</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>6<i>s.</i></td><td>"</td></tr><tr><td>Corporals</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>5<i>s.</i></td><td>"</td></tr><tr><td>Privates</td><td>-</td><td>-</td><td>-</td><td>-</td><td>-</td><td>4<i>s.</i></td><td>"</td></tr></table>	Captains	-	-	-	-	-	15 <i>s.</i>	per diem.	Lieutenants	-	-	-	-	-	11 <i>s.</i>	"	Surgeons	-	-	-	-	-	31 <i>s.</i> 6 <i>d.</i>	"	Sergeants	-	-	-	-	-	6 <i>s.</i>	"	Corporals	-	-	-	-	-	5 <i>s.</i>	"	Privates	-	-	-	-	-	4 <i>s.</i>	"
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	In all cases with rations and forage for horses. In case the force shall be called out for actual service they shall be paid at the same rate for every day they shall be in such service.																																																
Governor to provide arms, &c.	14. It shall and may be lawful for the Governor to provide from time to time, as occasion may require, arms, ammunition, and all necessary equipments and camp equipage for persons enrolled in the said several regiments, and to provide for such regiments a sufficient number of pieces of field artillery, and to procure the necessary store and other accommodation.																																																
Regulations to be made by Governor subject to sanction of Parliament.	15. It shall and may be lawful for the Governor from time to time to make such regulations respecting the training, arms, ammunition, and equipment of the said regiments respectively, and respecting all other matters connected therewith, as may be required for promoting the discipline and efficiency thereof: Provided, however, that all such regulations shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament be in session, and if Parliament be not then in session, within fourteen days next after the commencement of the next ensuing session thereof.																																																
Governor's power to discharge men.	16. It shall and may be lawful for the Governor from time to time to dispense with the services of any of the persons enrolled under this Act, and to grant, if he should so think fit, the discharge of any person enrolled in any of the said regiments, upon such conditions as to him shall seem proper.																																																
Commanding officers to make returns to commandant-general.	17. Every commanding officer appointed under this Act shall return or cause to be returned to the Governor or to the commandant-general of colonial forces, within one month after the said annual muster, a true state of his regiment, and shall at the same time report upon the quantity and condition of the arms, accoutrements, ammunition, horses, saddles, bridles, and camp necessities and stores provided for the use of the said regiment, and shall make thereafter quarterly returns and reports of the same.																																																
Governor to provide transport.	18. It shall and may be lawful for the Governor to provide from time to time, as occasion may require, the necessary transport for the arms, clothing, ammunition, accoutrements, and stores, for the use of the said regiments.																																																
Discharged men to give up arms and accoutrements.	19. If the services of any person enrolled under the provisions of this Act shall be dispensed with, or his term of service shall have expired, he shall deliver up, in good order, fair wear and tear only excepted, all arms, accoutrements, and appointments, being public property, issued to him, or in his possession or custody, and shall pay all money due or becoming due by him under the regulations framed under this Act, and the rules of the regiment to which he shall belong; but nothing herein contained shall prevent the Governor from giving such directions with respect to any of such cases as may appear just and proper.																																																
Penalty for not attending musters.	20. Every person enrolled under this Act who shall not appear at the time and place appointed for any of the said monthly or annual musters, shall forfeit and pay a sum not exceeding 5 <i>l.</i> , unless he shall have duly obtained leave of absence from the commanding officer of his regiment, or unless his absence be caused by illness, in which case he shall be bound to furnish at or before such muster to																																																

the said commanding officer of his regiment a certificate to that effect from a duly qualified medical practitioner, or other proof to the satisfaction of such commanding officer.

21. In case any person so enrolled as aforesaid, shall sell, pledge, destroy, or wilfully damage any arms, accoutrements, or other regimental effects, he shall be liable, upon conviction by the resident magistrate of the district within which the offence shall have been committed, to be imprisoned with or without hard labour for a period not exceeding three months, or to pay a fine not exceeding 10*l.*, and, in default of payment, to be imprisoned with or without hard labour for a period not exceeding the term of three months, or until such fine be paid, and in each case to pay the value of the said articles.

Penalty for selling, destroying, or damaging arms or accoutrements.

22. Every person enrolled as aforesaid, who is guilty of any of the offences following; that is to say,

Offences.

(1.) Absenting himself without leave from any muster, inspection, or parade during any part of the time provided therefor:

(2.) Refusing or neglecting to obey any lawful order of his superior officer while at any muster, inspection, or parade:

(3.) Being insolent towards his superior officer while in the execution of his duty as such officer:

(4.) Behaving in a disorderly manner, or in a manner contrary to good discipline, while attending any muster, inspection, or parade:

(5.) Being in a state of intoxication during the period fixed for any muster, inspection, or parade:

(6.) Failing to keep in proper and serviceable order his horse, saddle, bridle, arms, accoutrements, ammunition, or equipments, shall incur a penalty not exceeding 2*l.* for each offence.

Penalty

23. Any person interrupting or obstructing any of the said regiments, or any part thereof, at muster, inspection, or parade, shall, upon conviction by the resident magistrate of the district, be liable to a penalty not exceeding 5*l.* for every such offence; and if such person, after having been warned to desist, shall continue to offend, he may be arrested by the order of the senior officer present, and detained in custody until he can be brought before the resident magistrate of the district in which the offence was committed, to be dealt with according to law.

Penalty for obstructing regiments.

24. All fines paid by persons enrolled as aforesaid, and recovered under this Act, shall be paid to the commanding officer of the regiment to which the offender belongs, and shall be accounted for to the commandant-general of colonial forces and paid into the public treasury.

How penalties to be accounted for.

25. The arms, ammunition, accoutrements, and other equipments of persons enrolled under this Act, and the horses, saddles, and bridles kept or used by such persons for the discharge of their duties under this Act, shall be exempt from seizure in execution under legal process.

Arms, &c. not liable to seizure under legal process.

26. No person enrolled as aforesaid shall, while in the discharge of his duty under this Act, be liable for any tolls, and no carts, waggons, carriages, horses, or other beasts, shall, while employed or used in duties provided for by this Act, be liable to any tolls.

No tolls payable by men on duty.

27. Any person enrolled under this Act may, for any offence specified in this Act, be placed under arrest by his superior officer until such offence can be conveniently adjudicated upon, and all offences shall, unless otherwise in this Act provided, be disposed of and penalties inflicted by the commanding officer of the regiment to which the offender shall belong, or in his absence by the senior officer present. All fines not paid within such time as the said commanding or senior officer shall name at the time of infliction, and the value of the articles which any person shall be liable to pay under section twenty-one, shall be recoverable in the court of any resident magistrate in a suit in the name of the said commanding officer on production of a certificate of the conviction signed by the officer by whom the fine was inflicted, and for the purposes of this section the provisions of Ordinance No. 6 of 1839 shall apply.

Arrest, &c., of offenders.

Fines, how recoverable.

28. The Governor may at any time, if he should think fit, order a court of inquiry to be assembled for the hearing upon oath and for adjudication of any complaints arising out of the management or discipline of the said regiments, and the constitution of such court shall be subject to any regulations which the Governor may from time to time make with regard thereto, under the provisions of this Act.

Courts of inquiry.

29. All orders by the Governor, or by any officer authorised to be given by this Act or given in execution of this Act, shall be valid and effectual, if verbally given on parade or issued in any other manner customary in Her Majesty's military service, unless in cases when this Act specially requires any such order to be in writing, and the production of an order in writing, purporting to be made according to the provisions of this Act, shall be *prima facie* evidence of such order without proving the signature thereto or the authority of the person making such order.

Orders by Governor and officers may be verbal.

30. The cost and charges of carrying out this Act shall be defrayed out of such moneys as Parliament shall vote for the purpose.

Costs of carrying out Act.

31. The words "the Governor" in the enacting clauses of this Act shall mean the Governor acting by and with the advice of the Executive Council.

Meaning of term, "Governor."

32. This Act may be cited as the "Cape Mounted Yeomanry Act, 1878."

Short title.

ATTORNEY-GENERAL'S REPORT.

Act No. 5 of 1878 is the first of a series of legislative measures for securing adequate defensive forces for this Colony. The Act provides for raising within certain divisions of the Colony three regiments of mounted yeomanry, each not exceeding one thousand in number, of which number as many as the Governor shall deem fit shall be specially trained to artillery practice. Power is given to appoint a commandant-general of colonial forces, and the necessary commanding and staff officers for each regiment of yeomanry. The men are bound to three years' military service; provision is made for monthly and annual musters of the various troops; the pay of the officers and men and allowances for the maintenance of horses and equipment are fixed; the punishment of offences is provided for, and regulations are authorised for securing the general efficiency of the force which is now being rapidly organised.

Cape Mounted Yeomanry Act.

Act No. 7 of 1878.

ANALYSIS.

Preamble.

1. Act 16 of 1855 repealed.
2. Field-cornets to frame lists of all males between 18 and 50 years of age. Until framed, lists under repealed Acts to remain lists for this Act.
3. Persons exempt from burgher service.
4. Where no field-cornet, special officer to be appointed.
5. In case of failure by field-cornet to make proper list.
6. Provisions for hearing objections to lists.
7. Civil commissioner to hold court for the purpose.
8. Mode of proving title to exemption.
9. How burgher forces to be officered.
10. Mode of electing field-captains.
11. Field-captains to elect field-commandants.
12. Officers' term of service.
13. Provisions for cases of death or resignation of officers.
14. Field-cornets to furnish lists of burghers who have died or left or attained 50 years.
15. Power of Governor to assemble burgher forces.
16. Burghers to be divided into two classes.
17. Governor may call out portions or whole of force. Volunteers exempted from service as burghers.
18. Mode of calling out burghers.
19. Ballot to determine who to serve in case a portion only called out.
20. Penalties for not serving when duly called out.
21. Substitutes may be provided.
22. Offences and penalties.
23. Pay during service.
24. Provision for widows and families.
25. Compensation for loss of horse, arms, or accoutrements.
26. Power to take horse, provisions, &c. for public service.
27. Payment to be made for articles so taken.
28. Governor may take measures to provide, in certain cases, horses, arms, &c.
29. Power to civil commissioner, field-cornets, and others to make inquiries.
30. Governor authorised to make regulations for discipline, &c.
31. Costs of carrying out Act.
32. Meaning of "Governor."
33. Short title.

Act to Provide for the Organisation of the Inhabitants of this Colony for the Defence thereof.

[Assented to 2nd August, 1878.]

Preamble.

WHEREAS it is expedient to make provision for enrolling and organising the able-bodied inhabitants of this Colony for the defence thereof and the protection of life and property therein: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Act 16 of 1855
repealed.

1. The Act No. 16 of 1855, intituled "An Act for the Organisation of the Inhabitants of the several divisions of this Colony for the Internal Defence of their respective Divisions," is hereby repealed.

Field-cornets
to frame lists
of all males be-
tween 18 and 50
years of age.

2. The field-cornets throughout the Colony shall, within the first month of the next ensuing year, make out a list containing the names of all the male residents in their respective field-cornetries between the ages of 18 and 50 years, who are not exempted from liability to serve under this Act, and in such list shall state the age, residence, and calling, and as nearly as possible the race to which each person belongs, and in the case of Kafirs from what tribe they take their origin, which lists shall be, as nearly as may be, in the form to this Act annexed, and the said field-cornets shall, as soon as such lists are made out, transmit the same to the civil Commissioner of the district within which their field-cornetry is situate. Provided, however, that until such lists have been completed, the lists which have already been framed under the provisions of the said Act No. 16 of 1855, shall be and remain the lists for the purposes of this present Act; provided also that for performing the aforesaid services, each field-cornet shall be entitled to such remuneration as to the Governor shall seem just.

Until framed,
lists under re-
pealed Act to
remain lists for
this Act.

Persons exempt
from burgher
service.

3. All persons disqualified for service as burghers or levies by bodily or mental infirmity, the members for the time being of the Legislative Council and House of Assembly, ministers of religion, judges, teachers in schools, constables, persons serving in any of the military or naval departments of Her Majesty, or in the Cape Mounted Yeomanry, or in the Frontier Armed and Mounted Police, or any other force to be created upon the basis thereof, or in the divisional or other police, or in the civil service of this Colony, and all merchant seamen under articles, shall be exempt from serving in the burgher force or levies under this Act, except with their own consent.

Where no
field-cornet,
special officer
to be appointed.
In case of fail-
ure by field
cornet to make
proper list.

4. In any municipality or borough for which there shall be no field-cornet, the duties devolving upon that officer under this Act shall be executed by such person as may be appointed in that behalf by the Governor, and every municipality or borough shall for the purposes of this Act be deemed to be one or more field-cornetries, as the Governor may direct.

Provisions for
hearing objec-
tions to lists.

5. If any field-cornet shall neglect to make out the list as hereinbefore mentioned and furnish it to the civil commissioner of his division as aforesaid, or shall furnish an imperfect list, it shall be made out or compiled, as the case may be, by such person or persons as may be appointed in that behalf by the Governor.

6. Every such civil commissioner shall forthwith upon the receipt of such list cause a copy thereof to be affixed at the residence of each field-cornet, and at each court house within the division, and shall cause a notice to be inserted in a local newspaper, if any, and posted at or near the residence of each field-cornet, and at each court house as aforesaid, of the day on which and the place at which he will hold a court for the purpose of hearing objections to such list, which day shall not be sooner than two weeks nor later than four weeks after the day of affixing the aforesaid copy at the court house of such civil commissioner.

7. Upon the day and at the place so notified the civil commissioner shall hold a court, at which he shall, on due proof by the oath of such persons as he shall see fit to examine, or by declaration or affidavit, correct all errors in such list; either by adding the names of persons liable to service which may have been omitted therein, or by striking out from the list of those so liable the names of any persons entitled to be exempt: Provided that such court may be adjourned from day to day until all questions as to the correctness of the list are determined, and provided that the decision of such civil commissioner shall be final: Provided also, that the Governor shall from time to time distinguish in every such list between persons to be enrolled as burghers and persons to be enrolled as levies, and shall thereupon cause separate lists thereof to be made, which shall respectively be the lists for the purposes of this Act: Provided also, that the lists which have been already framed under Act No. 16 of 1855, shall also be subject to this last-mentioned proviso.

Civil commissioner to hold court for the purpose.

8. In every case in which exemption shall be claimed on account of bodily or mental infirmity, the party so claiming shall be required to furnish proof to the satisfaction of the civil commissioner, and if he claim it on account of age, but cannot afford proof of the validity of his claim, the decision of his liability to service shall be in the discretion of the said civil commissioner.

Mode of proving title to exemption.

9. The burgher force to be enrolled under this Act shall be officered by field-captains, one of whom shall command the burghers enrolled in each field-cornetcy, and by a field-commandant in each division, who shall command all the burgher forces enrolled therein; and all such officers shall be elected as herein-after enacted: Provided that if the burghers in two or more field-cornetcies be called out and assembled together, and the field-commandant be not present, the senior field-captain present shall act as provisional field-commandant during the absence of the field-commandant. The levies to be enrolled under this Act shall, when called out, be officered by persons appointed by the Governor: Provided further, that seniority or the relative precedence of officers of the same rank elected or appointed under this Act shall be determined by the date of the election or appointment, and where the election or appointment shall have been on the same day, by the order in which the names of the parties so elected or appointed shall appear in the Government Gazette: Provided that no person employed in the civil service of the Colony shall be eligible to be elected or appointed either as field-commandant, field-captain, or deputy field-captain.

How burgher forces to be officered.

10. Upon the completion of such lists as aforesaid, each field-cornet shall fix a day, not to be later than one month after the date of such completion, on which the burghers of his field-cornetcy shall assemble at a place to be by him appointed, to elect a field-captain and a deputy to act in the absence of such field-captain, and subject to such regulations or orders as may be made by the Governor, as herein-after mentioned, to assist the field-captain for such field-cornetcy: Provided that such election shall be decided by a majority of burghers belonging to the said field-cornetcy then present, and that notice of the names of the field-captains and their deputies so elected be forthwith transmitted by the chairman of such meeting to the civil commissioner of the division: Provided, moreover, that every such election shall be subject to the approval of the Governor: Provided, further, that in the case of non-election on the day so fixed as aforesaid, the Governor shall appoint such field-captains and deputies respectively from amongst the said burghers.

Mode of electing field-captains.

11. Within one month after the election or appointment of the field-captains and their deputies, and in the case of election the approval of such election by the Governor, the said field-captains or their deputies not being less than two-thirds of the said field-captains in the said division, shall assemble on a day and at a place to be fixed by the civil commissioner, and shall by a majority of those present, elect their field-commandant: Provided that such election shall also be subject to the approval of the Governor: Provided also, that in the event of an election not taking place on the day so fixed as aforesaid, the Governor shall appoint a field-commandant from amongst the field-captains elected or appointed.

Field-captains to elect field-commandants.

12. All field-commandants, field-captains, and deputy field-captains elected and approved of or appointed, as above provided, shall serve for three years or until other persons be elected or appointed in their stead, in the manner above provided for their first election or appointment, and shall be then re-eligible. If any field-captain or deputy field-captain shall at any time decline to serve he shall give notice thereof to the field-commandant of his division, and if any field-commandant shall so decline to serve he shall give notice thereof to the civil commissioner of the division, and thereupon proceedings shall be taken in the same manner as above provided for the election or appointment of a successor to such officer.

Officers' term of service.

13. When and as often as any field-commandant, field-captain, or deputy field-captain shall die or resign during the period for which he has been elected or appointed to serve, or any field-commandant, field-captain, or deputy field-captain shall during such period be absent from his division or field-cornetcy, as the case may be, for three consecutive months, another field-commandant, field-captain, or deputy field-captain, as the case may be, shall be elected or appointed in the place of the one so dying or resigning or being absent, in manner above provided for a first election or appointment: Provided that any field-commandant, field-captain, or deputy field-captain vacating office by reason of absence shall be eligible to be re-elected or re-appointed.

Provisions for cases of death or resignation of officers.

14. Every field-cornet shall within the first month of each succeeding year furnish to the civil commissioner of his division a list of all burghers or levies who have died or have passed the age of fifty, or have ceased to reside in his field-cornetcy during the preceding year, together with a list of all persons liable to serve as burghers or levies who have reached the age of eighteen or have taken up their residence during the same period in his field-cornetcy; and unless such latter persons prove their claim to exemption before the civil commissioner within fourteen days after they shall have received notice, as in the sixth section provided, that their names have been included in the list so furnished as aforesaid, their names shall be added by the said civil commissioner at the end of the respective rolls, and the names of all such former persons shall be erased from the respective rolls by the said civil commissioner: Provided always, that in case of addition the Governor shall distinguish between burghers and levies as herein-before mentioned.

Field-cornets to furnish lists of burghers who have died, or left, or attained 50 years.

15. The Governor may from time to time assemble the burgher force and levies, or such part or parts of such force respectively as may to him appear expedient, for inspection or for inspection

Power of Governor to assemble burgher forces.

tion and rifle-practice under their own officers, at such time and times and at such place or places within their respective divisions as he may direct.

Burghers to be divided into two classes.

16. The Governor shall from time to time cause the burghers enrolled under this Act, exclusive of officers, to be divided into two classes, the first class to include all enrolled burghers between the ages of eighteen and thirty, and the second class to include all enrolled burghers between the ages of thirty and fifty.

Governor may call out portions or whole of force.

Volunteers exempted from service as burghers.

17. Whenever it shall be necessary for the defence of the Colony or any part thereof, or for the protection of life and property therein, or in any part thereof, the Governor may by proclamation call out the burgher force and levies, or such part or parts of the said forces respectively as he may consider necessary, for service at such place or places within the said Colony or beyond the borders thereof, as he may from time to time think fit to direct: Provided, however, that no person actually serving in any volunteer corps enrolled as such under any law for the time being in force in this Colony as to volunteer corps shall be called upon to serve in any other way than in and with such volunteer corps: Provided also, that in case a portion only of the said burgher force be called out, the first drafts shall be taken in the respective divisions from the said first class of burghers.

Mode of calling out burghers.

18. Whenever it shall be necessary to assemble or to call out the whole or part of the burgher force of any division, the civil commissioner shall give notice thereof to the field-commandants and to the field-captain or captains whose companies or any part of whose companies it may be necessary to call out, who shall thereupon proceed to call out in such manner as they may be directed by the Governor, the required number of burghers, and shall at the same time appoint a time and place at which the burghers so called out shall assemble; and if it be required to summon a general assembly of the burghers of the division, or the burghers or any of the burghers of more than one field-cornetcy, the civil commissioner shall in his summons to the field-commandants and field-captains signify at what time or times, and in what place or places, such burghers shall meet for the service required of them. The calling out of levies shall be subject to such regulations as the Governor may make under the provisions of this Act.

Ballot to determine who to serve in case a portion only called out.

19. In case it shall be necessary to call out a portion only of the burghers of any class, the persons so to be called out shall be determined by ballot, to take place under such regulations in that behalf as the Governor may from time to time make: Provided, however, that the Governor shall have the power, if he shall so think fit, to dispense at any time with the services of any person so drawn whose labour shall be the sole support of his family.

Penalties for not serving when duly called out.

20. Any commandant, field-captain, deputy field-captain, or burgher who having received due notice, as in the sixth section provided, of his liability to serve, and having received due notice of his having been called out to serve on any occasion, shall absent himself without a lawful cause for his absence, or shall withdraw himself before permission to that effect be given by some competent authority, or shall refuse or wilfully neglect to obey any lawful command of his superior officer, shall upon conviction be liable to a fine, if a commandant, field-captain, or deputy field-captain, of not exceeding 50*l.*, and if any ordinary burgher, of not exceeding 25*l.*, which shall be recoverable by summary process in the court of the resident magistrate of the district in which the offender resides, and shall be paid into the public treasury, but no conviction and fine so paid shall be deemed or taken to exempt the person convicted from liability to be again called out after such conviction to perform burgher service. And in case of non-payment of any such fine, the offender shall be liable to imprisonment with or without hard labour for a term not exceeding three months, or until such fine be paid. And any member of levies absents himself without lawful cause when called out under this Act, shall be liable to a fine of not exceeding 5*l.*, or, in default of payment, to imprisonment with or without hard labour for a term not exceeding three months, unless such fine be sooner paid; such fine to be recoverable as herein-before mentioned, and no such conviction or fine to exempt the person convicted from liability to be again called out, after such conviction as herein-before provided.

Substitutes may be provided.

21. Any burgher or member of levies called out for service under this Act shall be entitled to provide as his substitute any other competent person approved of by his field-commandant, or in the case of a member of levies by his commanding officer, who shall consent to serve in the place and stead of such burgher or member of levies, and such burgher or member of levies shall thereupon be exempt from service under the said call, and the said substitute shall be in the same plight and condition as if he had been a burgher or member of levies duly called out: Provided that in case as often as the person serving as a substitute shall himself be called out before the expiration of the period for which he consented to serve as substitute shall have expired, the burgher or member of levies for whom he serves shall be bound to serve for the remainder of the said period or to provide another substitute approved of as aforesaid.

Offences and penalties.

22. Every burgher, or member of levies, when called out for service, who shall be guilty of any of the following offences; that is to say,

1. Absenting himself without leave from any muster, inspection, or rifle practice during any part of the time provided therefore:
2. Refusing or neglecting to obey any lawful order of his superior officer while at any muster, inspection, or rifle practice:
3. Being insolent towards his superior officer while in the execution of his duty as such officer:
4. Behaving in a disorderly manner, or in a manner contrary to good discipline, while attending any muster, inspection, or rifle practice:
5. Being in a state of intoxication during the period fixed for any muster, inspection, or rifle practice:
6. Failing to keep in proper and serviceable order any horse, saddle, bridle, arms, accoutrements, ammunition, or equipments (if any) entrusted to him.

shall, upon conviction, by the resident magistrate of the district within which the offence shall be

committed, incur a penalty not exceeding 2*l.* for each offence, and in default of payment shall be liable to imprisonment with or without hard labour for a term not exceeding fourteen days, unless such fine be sooner paid.

23. Each field-commandant, field-captain, deputy field-captain, burgher, and member of levies when called out into active service under this Act shall, while so serving, receive rations for himself and forage for his horse, if mounted, and be paid per diem according to the following scale :

	£	s.	d.
Each field-commandant - - - - -	-	1	0
Each field-captain or deputy field-captain - - - - -	-	0	15
Each burgher who shall provide his own horse, saddle, and bridle - - - - -	-	0	4
Each burgher who shall not provide his own horse, saddle, and bridle - - - - -	-	0	3
Each member of levies at a rate not exceeding - - - - -	-	0	2

24. The widow or family of any burgher or member of levies who may be killed in action, and any burgher or member of levies who may receive during his service any wound or injury permanently injurious in its consequences, shall receive a pension or allowance not exceeding 70*l.* per annum, the amount whereof shall be fixed by the Governor. Provision for widows and families.

25. Every mounted burgher, whose own horse shall be killed or carried off by or abandoned to the enemy, or be destroyed to prevent the same falling into the enemy's hands, or who shall while on active service suffer loss by the enemy of his own saddle, gun, or accoutrements, shall be paid the value of the same, such value to be certified by the commandant of the force to which the burgher belongs. Provided that such value shall not exceed 25*l.* for the horse, 10*l.* for the gun, and 5*l.* for the saddle and accoutrements. Compensation for loss of horse, arms, or accoutrements.

26. When the burgher force of any division or any part thereof shall be called out for active service, the field-commandant, or the field-captains or deputy field-captains of the several wards of such division, are authorised to require from those who possess them such waggons, horses, mules, oxen, and gear, together with such provisions, forage, or other necessities as shall be needed for the service of such force, and every inhabitant shall be bound to render obedience to such requisition: Provided that with reference to such requisition the aforesaid officers shall conform to the instructions which they may have received from the civil commissioner of the division to which they belong. Power to take horses, provisions, &c., for public service.

27. When any articles aforesaid shall be so obtained, the officer obtaining the same shall justly estimate the value thereof, and shall give a certificate, certifying that he has obtained from ——— the articles in question, and that the same are fairly worth £——, and the civil commissioner of the district within which the articles shall have been obtained shall, on presentation of such certificate, and in case the amount shall not appear to him excessive in value, pay the sum stated in such certificate by a draft on the treasurer of the Colony in the usual form: Provided that if the value placed on such article be deemed excessive, or if the late owner shall object to the same as being inadequate, the question shall be referred to the arbitration of three persons, of whom one shall be nominated by the Government, one by the said owner, and the third by the two persons so nominated, before entering upon the said arbitration, and the decision of the said arbitrators, or of any two of them, shall be final. And all articles so obtained shall be the property of the Government. Payment to be made for articles so taken.

28. The Governor may from time to time take such measures as may be deemed expedient for providing, at the public expense, horses, arms, ammunition, accoutrements, and equipments for such burghers and levies as may not possess the same of their own, and for the due preservation and custody of all public property provided for the use of the said forces. Governor may take measures to provide, in certain cases, horses, arms, &c.

29. In order the better to enable the civil commissioner, field-cornets, and other persons charged with the preparation or revision of lists under this Act to obtain the information necessary for the purposes of this Act, they are hereby authorised and empowered to ask such questions concerning names, ages, residence, calling, or race, as may be necessary for the preparation or revision of such lists as aforesaid, and every person refusing or neglecting to answer, or wilfully giving a false answer to any such question shall, for every such refusal or neglect or false answer, be liable upon conviction by the resident magistrate of the district, to pay a fine not exceeding 5*l.*, and in default of payment to be imprisoned, with or without hard labour, for a period not exceeding three months, unless such fine be sooner paid. Power to civil commissioner, field-cornets, and others, to make inquiries.

30. The Governor may from time to time make regulations and orders respecting the general government, discipline, and management of the said forces, and the constitution, assembling, and proceedings of courts of inquiry to hear, receive, and examine evidence relating to, and to report on, any matter connected with such force or any charge brought against a member thereof, and may from time to time alter and repeal any such regulations and orders, and may call for such returns as may from time to time seem requisite: Provided that all such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, or after the commencement of the next session, if Parliament be not then sitting, as the case may be. Penalty for refusing to answer.

31. The cost and charges of carrying out this Act shall be defrayed out of such moneys as Parliament shall provide for that purpose. Governor authorised to make regulations for discipline, &c.

32. The words "the Governor" in the enacting part of this Act shall mean the Governor acting by and with the advice of the Executive Council. Costs of carrying out Act.

33. This Act may be cited as the "Burgher Force and Levies Act, 1878."

Meaning of "Governor."

Short title.

FORM OF ORIGINAL LIST.

Division.

Field cornetcy.

No.	Name.	Age.	Residence.	Calling.	Race.	Remarks.
1	A.B.	29	Queen's Town	Farmer -	As the case may be. { E. European or Euro- pean extraction. K. Kafir. F. Fingo. H. Hottentot. O. Other Coloured Race.	

FORM OF BURGHER LIST.

Division.

Field-cornetcy.

No.	Name.	Age.	Residence.	Calling.	Race.	Remarks.
1	C.D.	30	Wodehouse	Carpenter -	E. European or European ex- traction.	

FORM OF LEVY LIST.

Division.

Field-cornetcy.

No.	Name.	Age.	Residence.	Calling.	Race.	Remarks.
2	E.F.	25	Shiloh	Agricultural Labourer.	E. European extraction. K. Kafir. F. Fingo. H. Hottentot. O. Other Coloured Race.	

ATTORNEY GENERAL'S REPORT.

Burgher Force
and Levies
Act, 1878.

Act No. 7 of 1878, entitled the "Burgher Force and Levies Act, 1878," provides for enrolling and organising all the able-bodied inhabitants of the Colony for its defence. Provision is duly made for framing lists of all the male inhabitants of the Colony, with a very few exceptions, between the ages of 18 and 50 years, and machinery is provided by means of civil commissioners courts for correcting errors by adding or expunging names. In the lists when so corrected the Governor shall distinguish between such persons as shall be considered to be fitted to be burghers and such as shall be mere levies, and when this has been done separate lists shall be made accordingly. The above provision has been rendered necessary by the circumstances of the Colony and the character of its population, for it would be obviously inconvenient as well as dangerous to include in the roll of burghers, upon whom great reliance must be placed in time of war, the savage frontier tribes. It is highly desirable that there should be a fixed roll of burghers, of whom every man should be on the same footing with regard to liability to service. If at any time the services of any of the native races who are not hostile should be required, they can be called out as levies. The burghers shall further be divided into two classes, the first including those between the ages of 18 and 30, and the second those between the ages of 30 and 50. To the several burgher corps is given the power of electing their own field-captains, subject to the approval of the Governor, and such field-captains when elected have power, subject to the same approval, to elect field-commandants. Field-commandants and field-captains shall be elected for a term of three years. The officers of levies shall be nominated by the Governor. Power is given to the Governor to assemble the burghers and levies from time to time for inspection and training; and whenever requisite for the defence of the Colony or the protection of life and property therein, the Governor is authorised to call out for service, in such place or places as he may deem fit, the burghers or levies or any part thereof; but if any burgher is actually serving in any volunteer corps at the time, he is given the option of continuing to serve in such volunteer corps. When a portion only of the burghers are called out, the drafts must in the first instance be taken from the first class, that is to say, from the younger men, and the drafts shall be selected by ballot, the only power of exemption from service being given in the case of persons whose labour is the sole support of their families. Persons selected for service may provide properly approved substitutes. Authority is given to demand means of transport and other necessities for the use of the force in time of active service, but the fair value

must be paid for everything obtained for the use of the force, such value to be fixed by the civil commissioner of the district, or in case of dissatisfaction with his award by arbitration.

Pensions are provided to meet cases of death or permanent injury, and compensation is authorised to be made for loss during service of horses, arms, or equipment belonging to burghers. Penalties are provided for refusal to serve and for offences during time of service. The pay of burghers is fixed, and the Governor is authorised to make, as occasion shall require, regulations for maintaining discipline and efficiency. The Act is well suited to the circumstances of this Colony, and secures for its defence the service of every able-bodied man, white or black.

Act No. 9 of 1878.

ANALYSIS.

Preamble.

1. Repeal of Acts 3 of 1855, 21 of 1856, 3 of 1868, and 14 of 1875.
2. Embodiment of men and purposes thereof.
3. Title of the force.
4. Force to be divided into two wings. Organisation thereof.
5. Field and other officers to be appointed by Governor.
6. Governor to make regulations.
7. Duty of officers.
8. Powers and privileges of the force.
9. Offences and penalties.
10. Stoppage of pay in certain instances.
11. Offences not summarily dealt with to be reported and proceedings thereupon.
12. Constitution of board of officers to try offences.
13. Proceedings before such board to be similar to those in criminal cases before magistrates.
14. Summoning of witnesses.
15. Sentences to hard labour to be transmitted to Supreme or Eastern districts Court, and appeal allowed thereon.
16. Places of imprisonment for officers under this Act.
17. Term of imprisonment not to reckon in term of service.

18. Provisions of Act not to prevent prosecutions under other laws.
19. Power of suspension and dismissal of non-commissioned officers.
20. No tolls payable by riflemen on duty.
21. Penalty for attempting to exact tolls.
22. Penalty for personation of riflemen.
23. Superannuation, pensions, and gratuities.
24. Gratuities to riflemen wounded or injured in execution of duty.
25. Penalty for false statements.
26. Calculation of pensions and gratuities.
27. Pensions and gratuities not to be executable or assignable.
28. No pension, &c., claimable of right.
29. Penalty on dealers in wines and spirits for harbouring riflemen on duty.
30. Penalty for taking pledges, &c. of horses, arms, and accoutrements.
31. No such articles executable nor subject to sequestration.
32. Compensation for extraordinary services.
33. Limitation of actions and prosecutions against riflemen.
34. Ordinance No. 25 of 1847 not to apply
35. Costs of carrying out Act.
36. Short title.

Act to Organise, Establish, and Regulate a force for the better Protection of Life and Property in the Colony, to be called "The Cape Mounted Riflemen." [Assented to 2nd August, 1878.]

WHEREAS it is expedient that the present constitution of the force known as the "Frontier Armed and Mounted Police," should be amended and remodelled, and a new force created upon the basis thereof: Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:

1. The several Acts of Parliament, being respectively No. 3 of 1855, No. 21 of 1856, No. 3 of 1868, No. 2 of 1875, and No. 14 of 1875, are hereby repealed: Provided that such repeal shall not invalidate or affect anything lawfully done under any such Acts, or under any rules or regulations duly framed under the same, previously to the passing of this Act: Provided also that such repeal shall not have the effect of discharging any person enrolled or embodied under the provisions of the said Acts respectively from any service which he may be liable to fulfil under such Acts respectively, or of infringing upon any rights acquired under such Acts as aforesaid.

Preamble.

Repeal of Acts
3 of 1855,
21 of 1856,
3 of 1868,
and 14 of 1875.

PART I.—CONSTITUTION OF THE FORCE.

2. The Governor, with the advice of the Executive Council, shall cause such a sufficient number of fit and able men, as Parliament shall, from year to year, provide for, to be embodied to serve as an armed and mounted force, who shall be sworn before a justice of the peace to act as a police in and throughout the Colony, for preserving the peace and preventing robberies and other crimes, and apprehending offenders against the peace, and also as a military force for the defence of the Colony.

Embodiment of
men, and pur-
poses thereof.

3. The force so embodied shall be called "The Cape Mounted Riflemen," and the existing force known as the "Frontier Armed and Mounted Police" shall be incorporated with it and merged therein.

Title of the
force.

4. The said force shall consist of two divisions or wings, each of which shall be under the command of a competent field officer, to be styled lieutenant-colonel, and other officers, to be styled captain and lieutenant respectively, to be from time to time appointed as hereinafter provided, and all such officers shall be under, and subject to, the orders and command of the commandant-general of the forces of this Colony, to whom such field officers shall, from time to time, as occasion may require, or whenever

Force to be
divided into
two wings.
Organisation
thereof.

they shall be called upon so to do by the said commandant-general, report on the condition of the force under their command, and on all matters of importance connected therewith; and shall consult with and be guided by the advice of the said commandant-general in respect of the subjects of such reports.

Field and other officers to be appointed by Governor.

5. The Governor, with the advice aforesaid, shall, by warrant under his hand, appoint the field officers in the preceding section mentioned, and such other officers as he may deem expedient for the general superintendence and management of the said force, saving all just rights now existing; and may from time to time displace and remove such officers and appoint others in their place, as to him shall seem meet: Provided that no officer so appointed shall be promoted to any higher grade than that to which he was first nominated, without passing a satisfactory examination in such subjects as the Governor with the advice aforesaid, shall from time to time settle and appoint and before such examiners as the Governors, acting as aforesaid, shall from time to time nominate.

Governor to make regulations.

6. The Governor, acting as aforesaid, shall, from time to time, make such regulations respecting the training, arms and accoutrements, clothing and equipment, of such force, and respecting all other matters connected therewith, as may be required for promoting the discipline and efficiency thereof; and shall also direct the employment and distribution of the said force, within or without the colonial boundary, as to him shall seem meet.

Duty of officers.

7. It shall be the duty of the field and other officers of the said force to suppress all tumults, riots, affrays, or breaches of the peace, in any part of the Colony where they may be on duty, and to assist in the defence of the Colony, and to discharge military duties in connexion therewith when called upon so to do.

Powers and privileges of the force.

8. The members of the aforesaid force, so sworn as aforesaid, shall (except as in the thirty-fourth section is excepted) throughout the Colony have all such powers and privileges, and be liable to all such duties and responsibilities as any police officers or constables may, by law, have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from their officers.

PART II.—DISCIPLINE.

Offences and penalties.

9. Any member of the force who may be charged with the offence of contravening any regulation which may be made, under and by virtue of this Act, or any of the offences in the schedule hereto, may be tried by and before:—1. Any of the superior courts of law in this Colony within the jurisdiction of which such offence shall have been committed. 2. The court of the resident magistrate of the district in which such offence has been committed; or 3. A board of officers as hereinafter mentioned. And shall, upon conviction, be liable to be punished as follows:

1. If the conviction shall be before any of the said superior courts such court may sentence the offender to be imprisoned with or without hard labour for a period not exceeding five years, or to pay a fine not exceeding twenty pounds, and, in default of payment thereof, to be imprisoned with or without hard labour for any period not exceeding one year; or to both such fine and such imprisonment:
2. If the conviction shall be before a court of resident magistrate, such court may sentence the offender to pay a fine not exceeding ten pounds, and, in default of payment thereof, to be imprisoned with or without hard labour for any period not exceeding six months; or to be imprisoned as aforesaid without the infliction of any fine; or to both such fine and such imprisonment:
3. If the conviction shall be by a board of officers, such board may sentence the offender as mentioned in the last preceding paragraph.

Stoppage of pay in certain instances.

10. In case any non-commissioned officer or private shall offend against any such regulation as aforesaid, it shall be lawful for any officer commanding a troop, or any officer commanding a detachment of the said force, to stop from the pay of such offender any sum not exceeding 1*l*., or to sentence him to imprisonment with or without hard labour for any period not exceeding fourteen days, or to sentence him to such punishment as may be provided on that behalf in any such regulation as aforesaid, or such officer may take proceedings for the purpose of such offender being tried under the ninth section of this Act; provided that such offender shall, if he so request, have a right to have such proceedings taken instead of being tried by such officer; and provided also that any officer who shall try any offender under the provisions of this section shall forthwith after such trial forward the proceedings in, and full particulars of, the case to the field officer commanding the wing in which such offender is serving.

Offences not summarily dealt with to be reported, and proceedings thereupon.

11. Upon any member of the force being charged with having committed any of the offences in this Act mentioned, the charge, in case the offence shall not have been summarily dealt with under the last preceding section, shall be forthwith reported to the officer in command of the troop or detachment to which such offender is then attached, who shall thereupon forthwith report the particulars of the case to the field officer of his wing of the force, who shall, having regard to the said particulars and the nature and magnitude of the offence, direct whether the offender shall be proceeded against before a board of officers as aforesaid, before the court of resident magistrate having jurisdiction in the case, or (as to offences in the ninth section hereof mentioned) before a superior court as aforesaid: Provided that nothing herein contained shall prevent the said officer or the field officer from ordering the discharge of any prisoner in case it appears to him that there are not sufficient grounds for putting such prisoner upon his trial; and if the proceedings are directed to be before a superior court, or before a court of resident magistrate, they shall be the same in all respects as in the case of an ordinary offender or supposed offender against the law, and the said offender shall be in the same plight and condition as any other person charged with criminal offence.

12. The board of officers herein-before mentioned shall consist of not less than three officers of the said force, of whom the field officer commanding the wing in which the accused is serving may be one ; and the said officers shall be selected and summoned by the said field officer. The said field officer, if present, and if not the senior officer present, shall be the president of such board, and the decision of the majority of the members of such board shall be deemed to be the decision of such board : Provided that, in case the members of the said board shall be equally divided in opinion, the decision of the president shall be deemed to be the decision of the board.

Constitution of board of officers to try offences.

13. The proceedings before and at any trial by a board of officers shall, except otherwise herein mentioned, as near as may be, be the same as those from time to time prescribed as to criminal cases in a court of resident magistrate ; and all the evidence which may be given before such board shall be taken down in writing by the president thereof, by whom also the witnesses shall be duly sworn ; and any person so sworn who shall wilfully and corruptly give false evidence before any such board, shall be deemed to be guilty of the crime of perjury, and upon conviction thereof shall suffer any punishment by law provided for that crime.

Proceedings before such board to be similar to those in criminal cases before magistrates.

14. Every person who may be required to give or produce evidence in any case pending before any such board shall be summoned, in writing, by any officer of the said force ; and all witnesses so duly summoned who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the said board may legally demand of them, shall be liable to be dealt with by such board in like manner as if such witness had been a witness duly summoned to appear before a resident magistrate in a criminal case pending in the court of such resident magistrate.

Summoning of witnesses.

15. When and as often as any such board as aforesaid shall sentence any offender under this Act to be imprisoned, with or without hard labour, for any period exceeding fourteen days, or to pay a fine exceeding 12, the president of such board shall forthwith, after pronouncing such sentence, transmit the original proceedings in the case, together with such remarks, if any, as he may desire to append, to the registrar of the supreme court, or if the trial has taken place within the jurisdiction of the eastern districts court, to the registrar of that court ; and the provisions of the forty-seventh, forty-eighth, and forty-ninth sections of the Act No. 20 of 1856, intituled "An Act for Amending and Consolidating the Laws relative to the Courts of Resident Magistrates," shall, *mutatis mutandis*, extend and apply to such proceedings, as if the same had been proceedings in a case decided by a court of resident magistrate which, under the said forty-seventh section, would have had to be sent for review by a judge of one of the superior courts.

Sentences to hard labour to be transmitted to Supreme or Eastern Districts Court, and appeal allowed thereon.

16. All offenders arrested for any offence under this Act, and all offenders sentenced to imprisonment by an officer or board of officers as aforesaid, may be imprisoned in any building set apart as a guard-room or police prison by order of the field officer commanding : Provided that, in case the sentence shall exceed fourteen days' imprisonment with or without hard labour, the person convicted shall be removed to the nearest public gaol, there to undergo such sentence, and when so removed he shall be in the same plight and condition as if the sentence had been a sentence of one of the ordinary courts of law of this Colony : And provided also, that so long as any man shall be imprisoned in any guard-room or prison as aforesaid, the same shall as to such offender be deemed to be a public gaol, and the prisoner shall be deemed to be a prisoner confined therein within the meaning of the Ordinance No. 24 of 1847, intituled "Ordinance for improving the Gaols of this Colony," but every board of officers aforesaid and the resident magistrate of the district shall have the like jurisdiction and powers as to offences committed by any such prisoner while imprisoned in any such guard-room or prison as by the Ordinance aforesaid are given to the resident magistrate of the district, as to the public gaols within his district.

Places of imprisonment for officers under this Act.

17. No period during which any offender shall be imprisoned for any offence for which he shall be afterwards convicted, or during which he shall be imprisoned under a sentence of any court or board as aforesaid, shall be reckoned for any purpose as part of the period of the service of such offender, unless the court or board aforesaid ordering such imprisonment shall otherwise direct.

Term of imprisonment not to reckon in term of service.

18. Nothing in this Act contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Act in all cases in which he would by law, without this Act, be liable to such prosecution ; but no member of the said Force acquitted or convicted of any crime or offence under the provisions of this Act shall be liable to be again tried for the same crime or offence : Provided that nothing herein contained shall prevent a member of the said Force who has been acquitted or convicted from being dismissed from the said Force, or reduced in rank therein.

Provisions of Act not to prevent prosecutions under other laws.

19. It shall be lawful for the said field officers, respectively, to suspend or dismiss from his employment any non-commissioned officer or private whom he shall think remiss or negligent in the execution of his duty, or otherwise unfit for the same ; and when any such non-commissioned officer or private shall be so dismissed, or shall otherwise cease to belong to the said Force, all powers and authorities vested in him by virtue of this Act shall cease and determine : Provided, however, that no sentence of dismissal shall take effect unless and until the same be confirmed by the commandant-general of the Colonial Forces.

Power of suspension and dismissal of non-commissioned officers.

PART III.—PRIVILEGES AND PENSIONS.

20. Every officer and man of the said Force, when in uniform, whose duty it shall be, in proceeding to or from any place, to pass through any toll-bar, or over any ferry, at or in respect of which the payment of toll shall now be or may hereafter be lawfully demanded, shall be exempted from the payment of any such toll in respect of himself and of any animal and vehicle that may be required for the performance of the duty on which he may be employed.

No tolls payable by rifle-men on duty.

21. If any person duly authorised to collect tolls in respect of unvetery shall wilfully subject any officer or man of the said Force to unreasonable delay or detention in respect to the passage over such ferry, then such person shall be liable, on conviction, to a penalty not exceeding five pounds.

Penalty for attempting to exact tolls.

22. If any person, not being an officer or man of the said force, shall wilfully personate such officer or man, or if any such officer or man of the force, not then being on duty, shall falsely represent him-

Penalty for personation of rifle-men.

self to be such officer or man on duty, with the intent to evade the payment of any toll legally payable by him, such person shall, on conviction, be liable to a penalty of not exceeding five pounds sterling, or, in default thereof, to imprisonment for a period not exceeding one calendar month, unless such fine be sooner paid.

Superannuation, pensions, and gratuities.

23. It shall be lawful for the Governor, with the advice of Executive Council, and under the conditions herein-after mentioned, to order that any member of the said force, of whatever rank, shall be superannuated, and thereupon to authorise and direct that such member shall receive from out of the public revenue of this colony a gratuity or yearly pension as follows, that is to say, if such member shall have served in the said force for a period less than fifteen years, a gratuity equal to one month's pay for each year's service, the pay being taken to be that received by such member at the time of his superannuation, and if such member shall have served in the said force for a period of 15 years, an annual pension equal to fifteen-fiftieths of the yearly pay of such member, which pay shall be taken to be the average of his yearly pay for the three years next preceding his superannuation, and an additional one-fiftieth of such yearly pay for each year such member shall have served in the said force beyond the said period of 15 years; but no such member shall receive a pension equal to more than thirty-fiftieths of his yearly pay as aforesaid, unless in the cases hereafter mentioned, and provided that no member of the said force who shall be under the age of 50 years shall be capable of receiving any such gratuity or pension, unless it shall be certified in writing by the surgeon of the said force, or some other competent medical officer, to be appointed by the Governor acting by and with the advice aforesaid, for the purpose, that such member, from infirmity of mind or body, is incapable of discharging the duties of his situation, and that such infirmity is likely to be a permanent one.

Gratuities to riflemen wounded or injured in execution of duty.

24. In case any member of the said Force shall be disabled for the performance of his duty by reason of any wound or injury received by him when in the field and engaged with an enemy, or in the actual execution of his duty, or any member of the said Force shall, in the opinion of the Governor, acting by and with the advice aforesaid, have merited the same, it shall be lawful for the Governor, with such advice, to award to such member, whatever may be his age or time of service, such gratuity, not exceeding an amount equal to three years' pay, or such yearly pension, not exceeding the full pay of such member, as to him may seem fit: Provided that the reasons for giving any such gratuity or pension shall be set forth in the warrant or authority granting the same, and a return showing the amounts and particulars of any payments under this section shall be laid on the table of both Houses of Parliament at the then next ensuing session of Parliament.

Penalty for false statements.

25. If any member of the said Force in receipt of a pension under this Act shall wilfully or knowingly have made, or cause to be made, any false statement or representation, in order to obtain such pension, he shall forfeit all right and claim to such pension, and no pension shall be claimable by any pensioner during the time he may be undergoing punishment for any crime.

Calculation of pensions and gratuities.

26. In calculating the amount of any gratuity or pension payable under this Act, if the person to receive the same shall at the time of his superannuation have been obliged to keep a horse or horses out of his pay, the sum of twenty pounds for the keep of each such horse shall be deducted from such pay.

Pensions and gratuities not to be executable or assignable.

27. No pension payable under this Act shall be assignable or transferable, nor shall the same be attached, arrested, or levied upon, for or in respect of any debt or claim due by the recipient thereof or his wife.

No pension, &c., claimable of right.

28. Nothing in this Act contained shall be construed so as to entitle any member of the said force to claim as a matter of right any gratuity or pension as aforesaid, or to prevent any such person from being unconditionally dismissed or discharged from the said force.

PART IV.—GENERAL.

Penalty on dealers in wines and spirits for harbouring riflemen on duty.

29. If any licensed or unlicensed dealer in wines and spirits, or any intoxicating liquors, shall knowingly harbour or entertain any man belonging to the said force, or permit such man to abide or remain in his house, shop, room, or other place, during any part of the time appointed for his being on duty elsewhere, every such dealer shall, for a first offence, forfeit and pay any sum not exceeding 10*l.* to be recovered in a summary way; and for a second or subsequent offence shall be liable, besides such penalty, to imprisonment for any period not exceeding one month, with or without hard labour.

Penalty for taking pledges, &c., of horses, arms, and accoutrements.

30. If any person shall, in consequence of any sale, pledge, or other disposition made by any member of the said force, in contravention of paragraph No. 17 of the Schedule to this Act, knowingly receive or have any animal, article, matter, or thing in the said section mentioned, such person shall incur and be liable to a fine not exceeding 20*l.*, and, in default of payment thereof, shall be liable to be imprisoned and kept at hard labour for any period not exceeding three months unless such fine be sooner paid.

No such articles executable nor subject to sequestration.

31. No animal, article, matter, or thing mentioned in paragraph 17 in the schedule to this Act, and therein forbidden to be sold, pledged, or otherwise disposed of, shall be capable of being seized or attached by or under any writ of execution which may be sued out against any member of the said force, nor shall the same pass by or under any order made for the sequestration of the estate of any such member.

Compensation for extraordinary services.

32. It shall be lawful for the Governor acting by and with the advice aforesaid to award, to any of the men belonging to the said force, such sum of money as to him shall seem meet, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service.

Limitation of actions and prosecutions against riflemen.

33. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within four calendar months after the cause of action shall have arisen, or offence be committed, and not otherwise; and notice in writing of such action and of the cause thereof, shall be given to the defendant one calendar month, at least, before the commencement of the action; and if a verdict shall be given for the defendant, or the plaintiff be non-suited, or discontinue any such action after issue

joined, or if, upon exception, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client.

34. Nothing contained in the Ordinance No. 25, 1847, entitled "Ordinance for improving the Police of the Colony," shall extend to the force aforesaid in this Act mentioned.

35. All costs and charges for carrying out this Act shall be paid out of such moneys as Parliament shall provide for the purpose.

36. This Act may be cited for all purposes as the "Cape Mounted Riflemen Act, 1878."

Ordinance
No. 25 of 1847
not to apply.
Costs of carry-
ing out Act.
Short title.

SCHEDULE OF OFFENCES referred to in this Act.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.
2. Being present at any mutiny or sedition, and not using his utmost endeavour to suppress the same.
3. Conspiring with any other person to cause a mutiny or sedition.
4. Knowing of any mutiny or sedition, and not without delay giving information thereof to his immediate commanding officer.
5. Striking or offering violence, or using threatening or insubordinate language to a superior officer in the force, being in the execution of his duty.
6. Disobeying the lawful command of a superior officer in the force.
7. During the period for which he shall have engaged to serve in the said force deserting from the same or refusing to serve therein, or advising or persuading any other member of the said force to desert from the same, or knowingly receiving and entertaining any deserter, and not immediately on discovery giving information to his commanding officer, or taking other means to cause such deserter to be apprehended.
8. Misbehaving before the enemy, or shamefully abandoning or delivering up any fort, post, camp, station, or guard committed to his charge, or which it was his duty to defend, or inciting any other person so to do.
9. Discharging any firearms, making any signal, or by other means whatsoever, intentionally occasioning false alarm in action, camp, or quarters.
10. Casting away his arms in the presence of an enemy.
11. Being, while a sentinel, found sleeping on his post, or leaving the same before being regularly relieved.
12. Disclosing verbally or in writing, the numbers, position, or preparations of the force or forces to which he is attached, and by such disclosure producing effects injurious to the service to which he belongs.
13. Being in the command of a guard, piquet, or patrol, and without proper authority releasing any prisoner committed to his charge, or suffering him to escape.
14. Being found drunk on any duty under arms.
15. Malingering, feigning, or producing disease or infirmity, or wilfully maiming or injuring himself or any other member of the force, whether at the instance of such other member or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself, or such other member, unfit for service.
16. Taking any bribe or gratuity whatever with reference to any duty imposed upon him, or wilfully neglecting to execute any warrant entrusted to him.
17. Selling, pledging, or otherwise disposing of any horse, saddle, bridle, gun, clothing, ammunition, or other article or equipment, which by the regulations of the said force for the time being he shall be required to keep and possess.

ATTORNEY-GENERAL'S REPORT.

Act No. 9 of 1878, entitled the "Cape Mounted Riflemen Act, 1878," provides for the reorganisation of the Force known as the "Frontier Armed and Mounted Police" which before its reorganisation was in a very unsatisfactory condition. Act No. 9 of 1878 consolidates the numerous Acts passed from time to time for the regulation of the Frontier Armed and Mounted Police, leaving rights and liabilities unchanged. The only alterations are three. First a change in the name of the Force to "Cape Mounted Riflemen;" secondly, in addition to the clause defining the duties of the Force of the words "and also as a military force for the defence of the Colony," and thirdly, the division of the force into wings. In all other respects the Act is literally a transcript of the old Acts. The first of the alterations above referred to was made in deference to a wish frequently expressed by the members of the Frontier Armed and Mounted Police, who disliked the name of policemen, and accordingly the change of name was made with a view to securing greater popularity for the force, which from many causes had become somewhat disorganised and unpopular, the substituted name being that borne by a well known popular Force. The division of the Force into wings arose from a desire to have more supervision and better organisation, and thereby to secure greater efficiency in the Force itself, as well as greater comfort for the individual members. The addition of the words "and also as a military Force for the defence of the Colony" has been alleged to impose new duties upon the members of the Force, and to have the effect of altering the conditions of the contract under which they undertook to serve. I am clearly of opinion that this is not so. Under the terms of their engagement the men undertook to serve under the provisions of such law as may be from time to time framed for the regulation of the Force. Further, the Force has been at all times a military Force; they have been employed without demur in all military operations and in defending the Colony, and although they are not distinctly stated to be a military Force in the repealed Acts, the tenor thereof shows that the intention was to constitute a military as well as a police Force. The list of offences contained in the repealed Acts shows this con-

Cape Mounted
Riflemen Act,
1878.

clusively. I mention as one instance, the offence of "misbehaving before the enemy, or shamefully abandoning or delivering up any Fort which it was his duty to defend." The effect of holding that the alteration was ultra vires would be simply to compel the authorities to replace the malcontent in a Force to be called the Frontier Armed and Mounted Police Force in which they would be liable to precisely the same service and subject to precisely the same penalties as the Cape Mounted Riflemen. I beg to annex to this Report for further information copy of a communication addressed by me on this subject to the Honourable the Colonial Secretary on the 3rd day of January instant.

Act No. 10 of 1878.

ANALYSIS.

Preamble.

1. Act No. 25 of 1856 repealed.
2. Governor may accept, discontinue, or dispense with services of any volunteer corps.
3. Governor may make regulations regarding enrolment and disbanding of corps, constitution, pay, discipline, &c.
4. Volunteer corps of each division to form a battalion.
5. Battalion to be commanded by field officer.

6. Governor may select one of field-officers to be the medium of communication between officers and commandant-general.
7. Governor may call out any battalion, or portion thereof, for service within or beyond the Colony.
8. Volunteers on service subject to rules provided for mounted yeomanry.
9. Pay.
10. Meaning of term "Governor."
11. Short title.

Act for the Regulation of Volunteer Corps.

Assented to August 2, 1878.

Preamble.

WHEREAS the inhabitants have, in several parts of this Colony manifested a disposition to enrol, and have in some places already enrolled themselves of their own free will into volunteer corps to assist in the defence of the Colony: And whereas it is expedient that proper regulations should be made for the formation and maintenance of such corps: Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the consent of the Legislative Council and the House of Assembly thereof, as follows:—

Act No. 25 of 1856 repealed.

1. The Act No. 25 of 1856 shall be and the same is hereby repealed: Provided, however, that such repeal shall not affect or render invalid any regulation lawfully made or any act lawfully done under such Act previous to the taking effect of this present Act.

Governor may accept, discontinue, or dispense with services of any volunteer corps.

2. The Governor may on behalf of Her Majesty, accept the offer of service of any corps of volunteers, naval as well as military, upon such terms and conditions as to the said Governor may seem fit and proper, and may discontinue the services of and cause to be disbanded any such corps, and dispense with the services of or dismiss any volunteer, whether officer, non-commissioned officer, or private, and any person appointed to the paid staff of or serving for pay in any volunteer force: Provided that no such dismissal of any volunteer, whether officer, non-commissioned officer, or private, shall take place except after an inquiry and decision thereon by the tribunal hereinafter provided for that purpose; and provided also that such decision may be altered or modified by the Governor.

Governor may make regulations regarding enrolment and disbanding of corps, constitution, pay, discipline, &c.

3. The Governor may, from time to time, by proclamation in the Government Gazette, make regulations and orders respecting the enrolment and disbanding of any volunteer corps; the appointment, promotion, and rank of all volunteer officers, and the relative rank of such officers, and of the officers of any other naval or military force embodied in this colony, and of the Frontier Armed and Mounted Police, or any force that may be created on the basis thereof, and of any divisional or other police; the constitution, assembling, and mode of procedure of courts of inquiry to hear, receive, and examine evidence relating to any matter connected with the government or discipline of the volunteer force or any corps thereof, or any charge brought against any member thereof; the maintenance of discipline; the power of arrest; the payment and recovery of subscriptions, fines, and penalties; and the general government, discipline, and management of the volunteer force and the several corps thereof, and the persons appointed to the paid staff thereof or serving for pay in the said force, and may from time to time alter or repeal any such regulations or orders, and may call for such returns from the officers of such force, or of the several corps thereof, as may from time to time seem requisite: Provided, however, that all such regulations shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days next after the commencement of the next ensuing session thereof: And provided, moreover, that no such regulations shall be repugnant to, or inconsistent with, any of the provisions of this Act.

4. The several volunteer corps of each division of the Colony shall constitute a battalion for the purposes of organization and discipline, if such corps shall in the opinion of the Governor be of sufficient strength to form such battalion: Provided that if there shall be only one such corps in any such division, such corps shall be taken of itself to form a battalion if of such strength as aforesaid; and provided also that, for the purposes of this Act, the municipal limits of Cape Town and Green Point shall be included within the Cape division.

Volunteer corps of each division to form a battalion.

5. Each battalion of volunteers shall be commanded by a field-officer, to be appointed in such manner as the Governor shall, by any regulations to be made in that behalf under the provisions of the third section of this Act, direct and appoint.

Battalion to be commanded by field-officer.

6. It shall be lawful for the Governor to select one of the several field officers commanding battalions to be the officer to whom the reports of all other officers commanding volunteer corps, shall from time to time be addressed, and whose duty it shall be to forward such reports, with such comments thereon as may appear to him to be necessary, to the Commandant General of Colonial Forces; and whose further duty it shall be to inspect personally, from time to time when the occasion may require, any battalion or any other corps of volunteers, and to report on the condition of the same to the said Commandant General of Colonial Forces, and to discharge any other duties in connexion with the working of this Act which may be imposed upon him by the said Commandant General of Colonial Forces: Provided that such officer may, at any time, be suspended or dismissed from his said office, and another officer appointed in his place, by the Governor, in case such dismissal or suspension may appear to him to be desirable.

Governor may select one of field-officers to be the medium of communication between officers and commandant-general.

7. Whenever it shall appear necessary so to do, the Governor may, by warrant under his hand addressed to any officer commanding a battalion, call out for active service within any part of this Colony, or on or beyond the borders thereof, wherever the interests of the Colony may require, such battalion, or any portion thereof, and such battalion, or portion of such battalion, and every member of the corps composing the same, shall thereupon assemble at such time and place as shall be fixed in such warrant, and shall serve, and continue to serve, in the defence of this Colony so long as such services shall appear to the Governor to be required: Provided always that it may be lawful for the said Governor to relieve, if he shall think fit, any battalion or portion of a battalion which shall have served for such term as to the Governor may seem reasonable, and to substitute as a relief another portion of the said battalion or some other battalion or portion thereof, or some other available force as occasion may require.

Governor may call out any battalion or portion thereof for service within or beyond the Colony.

8. All volunteers, when called out for service, as in the preceding section mentioned, shall be subject to the same rules and regulations in regard to discipline, and liable to the same penalties and punishments as are provided in any Act of this present Session of Parliament in regard to the mounted yeomanry of this Colony when on actual service.

Volunteers on service subject to rules provided for mounted yeomanry.
Pay.

9. Every field officer of a battalion and every officer, non-commissioned officer, and private of a corps of volunteers when called out on active service, and so long as he shall be so serving, shall receive rations for himself and his horse, if mounted, and pay at the following rates per diem:—

	s.	d.
Field officer	20	0
Adjutant	17	6
Captain	15	0
Lieutenant	11	0
Second lieutenant	10	0
Serjeant	6	0
Corporal	5	0

And every private while serving as aforesaid shall receive pay at the rate of 4s. per diem, and, if not mounted, at the rate of 3s.

10. The words "the Governor," in the enacting clauses of this Act, shall mean the Governor acting by and with the advice of the Executive Council.

Meaning of term "Governor."

This Act may be cited as the "Volunteer Act, 1878."

Short title.

ATTORNEY-GENERAL'S REPORT.

Act No. 10 of 1878, entitled the "Volunteer Act, 1878," is the last of the series of defensive measures. It provides for the enrolment of volunteer corps, naval as well as military, throughout the Colony, and authorises the Governor to make all necessary regulations for the due government of such corps. The volunteer forces are henceforth to be divided into battalions, commanded by field officers, one of whom shall be an inspecting officer. Power is given to the Governor to call out for service at any time and at any place the whole of the volunteer force or any battalion or any portion of a battalion. The services of the volunteers are therefore legally available whenever required.

Volunteer Act, 1878.

ACT No. 13 of 1878.

ANALYSIS.

Preamble.

1. Governor may by proclamation fix any district within which no arms may be possessed without a licence. Proclamation may be at any time revoked.
2. Manner in which notice of such proclamation is to be given.
3. How proclamation to be proved in courts of law.
4. Proclamation to fix day before which persons having arms, and not authorised to have them, shall deposit them with magistrate. Receipts to be given for arms or ammunition deposited.
5. Governor may authorise persons to grant licences to have arms and ammunition.
6. Dealer in arms and ammunition need not deliver up his stock if he receive licence to retain them, from proper official.
7. On receipt of licence in 5th section mentioned, owner of arms, &c., which have been deposited, may obtain them back: but if six months have elapsed since deposit, appraised value only may be claimed.
8. After date fixed by proclamation, no person not specially excepted may have arms, &c., without a licence. Punishment on conviction.
9. All persons not specially excepted by 4th section found carrying or having arms may be required to produce licence. In case of non-production may be arrested.

10. Certain officials to search for arms, &c., without warrant, on reasonable suspicion.
11. Governor may revoke such licence. Effect of such revocation.
12. Repugnant portion of section 13 of Ordinance 2 of 1853 repealed. Restrictions on the sale, repair, or delivery of arms without production of licence and permit. Punishment for contravention of this section.
13. Attorney or Solicitor-General may remit proceedings under this Act to the Resident Magistrate.
14. Arms deposited by unlicensed owners to be valued, within six months, by person appointed for that purpose. Appraised value to be paid to owner on production of receipt mentioned in 4th section.
15. Registers of licences and permits to be kept, and certified copies annually transmitted to Colonial Office.
16. Persons authorised to issue licences may also issue permits of renewal. Effect of such permits.
17. Who may require the production of licences.
18. Definition of words "Arms," "Weapons," and "Ammunition."
19. Expenses under this Act, how to be met.
20. Short title.

ACT No. 13 of 1878.

ACT for the Better Preservation of Peace within the Colony.

Assented to August 2, 1878.

Preamble.

WHEREAS it is expedient to make further provision for the protection of life and property, and the preservation of peace within this Colony: Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:

Governor may by proclamation fix any district within which no arms may be possessed without a licence.

Proclamation may be at any time revoked.

Manner in which notice of such proclamation is to be given.

How proclamation to be proved in courts of law.

Proclamation to fix day before which persons having arms, and not authorised to have them, shall deposit them with magistrate. Receipt to be given for arms or ammunition deposited.

1. It shall and may be lawful for the Governor aforesaid, by and with the advice of the Executive Council of the said Colony, from time to time to proclaim certain districts or portions of districts as areas within which it shall not be lawful for any person (except such persons as are hereinafter excepted) to bear, carry, or have in his or her possession, custody, or power, any arms, weapons, bullets, cartridges, gunpowder, or other ammunition, unless such person shall be licensed so to do as hereinafter provided: Provided always, that any such proclamation may from time to time be revoked or repealed (either as to the whole or any part of such proclaimed area) by the said Governor, by and with the advice aforesaid, when and as occasion may seem to justify such revocation or repeal.

2. Every such proclamation as aforesaid shall be printed and published in the Government Gazette of this Colony, and in such other newspaper or newspapers, if any, published within the proclaimed areas as the Governor aforesaid, with the advice aforesaid, may deem to be desirable, and printed copies of such proclamations shall be affixed to the door of the court-house of the resident magistrate of every such proclaimed district or portion of a district, or posted or affixed on some conspicuous place in the vicinity of such court-house, and shall also be posted or affixed on some conspicuous place in the vicinity of every field-cornet's residence within such district or portion of a district.

3. The production of the Government Gazette containing any such proclamation shall be deemed and taken by any court of justice to be conclusive evidence of the facts and circumstances necessary to authorize the issue of such proclamation; and every such proclamation shall be deemed and taken in all such courts respectively to all intents and purposes whatsoever to have been issued in conformity with this Act.

4. Every such proclamation shall name a certain day on or before which every person residing or being within the district or area therein specified, and not being a resident magistrate, justice of the peace, field-cornet, or person serving in Her Majesty's naval or military forces, or enrolled in any colonial, burgher, or volunteer corps for the time being, or in the Frontier Armed and Mounted Police, or in any other armed police force legally constituted within this Colony, not having a licence as in this Act provided, shall deposit and leave at the office of the resident magistrate of such district, or at such other place as may be named in the said proclamation for the deposit thereof, all arms and weapons, or portions of arms and weapons, and all bullets, cartridges, gunpowder, and other ammunition then being in his or her possession, custody, or power, and a receipt for the same shall be given by the person authorised to receive them to the person so depositing them.

5. Notwithstanding anything in the last preceding section contained, it shall and may be lawful for the Governor aforesaid, by and with the advice aforesaid, to authorise and empower the resident magistrate of any proclaimed district or portion of a district, or some other person or persons to be by the said Governor, by and with the advice aforesaid, for that purpose specially named and appointed, to issue to fit and proper persons licences to have, keep, bear, and carry arms, weapons, bullets, cartridges, gunpowder, and other ammunition within such district or portion of a district; and such licences shall be, as nearly as may be, in the form numbered 1 in the schedule to this Act annexed.

6. In case any dealer in arms and ammunition, or either of them, shall reside within any district, or portion of a district, proclaimed under the provisions of this Act, it shall not be necessary for such person to deliver up the arms or ammunition in his or her possession as such dealer for the purposes of sale at the time of the issuing of such proclamation, if he or she shall before the day therein named for such delivery have obtained from the resident magistrate of such district, or other person authorised to issue licences for such district, or portion of a district, under this Act, a licence to retain the same, which licence shall be, as nearly as may be, in the form numbered 2 in the schedule of this Act annexed.

7. In case the person to whom any of such licences shall be so issued as aforesaid shall have actually deposited, under the provisions of this Act, the arms, weapons, bullets, cartridges, gunpowder, or other ammunition mentioned in such licence, he or she shall be entitled, on producing such licence as aforesaid, and on production and delivery of the receipt in this Act previously mentioned, but without any right to claim for loss by deterioration, to have such arms, weapons, bullets, cartridges, gunpowder, or other ammunition re-delivered to him or her, unless a period of six months shall have taken place between the said deposit and the issue of such licence in which event he or she shall be obliged to accept the alternative of receiving the said arms, weapons, bullets, cartridges, gunpowder, or other ammunition, or the appraised value thereof as hereinafter provided.

8. From and after the day named in any proclamation for the deposit of arms, weapons, and ammunition, as in the 4th section of this Act provided, it shall not be lawful for any person, resident or being within the area in such proclamation mentioned, and not being one of the persons in the 4th section specially accepted, to bear, carry, or have in his or her possession any arms or weapons, or any portions of arms or weapons, or any bullets, cartridges, gunpowder, or other ammunition, unless such person shall have obtained the necessary licence in that behalf in this Act mentioned; and any person guilty of contravening the provisions of this section shall, upon conviction, be sentenced to imprisonment with or without hard labour, for a period of not more than seven years, or to pay a fine of not more than five hundred pounds sterling, and to imprisonment, with or without hard labour, until such fine be paid, or if not paid, for a period not exceeding two years.

9. Every person resident or being within any district or area proclaimed as aforesaid, not being one of those excepted in the fourth clause of this Act, who shall be found carrying, or in possession of, any arms, weapons, bullets, cartridges, gunpowder, or other ammunition, after the date named in the proclamation for the deposit thereof, may be required by any resident magistrate, justice of the peace, field-cornet, or police constable, or by any person producing his or her own licence under this Act, to produce and exhibit his or her licence for having or carrying such arms, weapons, bullets, cartridges, gunpowder, or other ammunition; and upon his or her refusal or inability so to do, such first-mentioned person may be forthwith arrested without any warrant issued for that purpose, and upon being so arrested shall be taken with all reasonable speed before the resident magistrate of the district in which he shall be so found, or before the nearest justice of the peace, to be dealt with according to law.

10. It shall and may be lawful for all resident magistrates, justices of the peace, field-cornets, and police constables, and they are hereby required so to do, upon reasonable suspicion that any person within any proclaimed district, or portion of a district, not being one of the persons hereinbefore excepted, and not being licensed under this Act, is in possession of any arms, weapons, bullets, cartridges, gunpowder, or other ammunition, to make diligent search for the same, and to seize any such arms, weapons, bullets, cartridges, gunpowder, or other ammunition, when found, without any warrant being issued or obtained for such search or seizure.

11. It shall and may be lawful for the said Governor, with the advice aforesaid, from time to time and at any time, to revoke any licence granted under the provisions of this Act, and upon such revocation the holder of such licence shall be obliged, within the space of seven days from the receipt of the notice of such revocation, to deposit and leave at the office of the resident magistrate of the district within which he or she resides, or other place named in such notice, all arms, weapons, bullets, cartridges, gunpowder, or other ammunition, then being in his or her possession; and on his or her neglect or refusal so to do, such person shall be liable to the penalties of the 8th section of this Act, precisely as if he or she had never been licensed to have or carry arms, weapons, bullets, cartridges, gunpowder, or other ammunition.

12. Everything contained in the 13th section of Ordinance No. 2 of 1853, which may be in conflict with, or repugnant to, the provisions of this Act shall be, and the same hereby is, so far as such conflict or repugnance may exist, but not otherwise, repealed. No person within any district or area proclaimed as aforesaid shall sell to, or make, mend, repair, or keep for any person (not being a person under the 4th section of this Act excepted, or not being a person under the provisions of this Act licensed), any arms or weapons, or any portion of any arms or weapons, or any bullets, cartridges, or other ammunition: and no person within such district or area aforesaid shall, under or by virtue of any sale, barter, gift, or other transaction, deliver to any person, whomsoever unless a resident magistrate, justice of the peace, or field-cornet, any arms or weapon, or any portions of arms or weapons, or any bullets, cartridges, gunpowder, or other ammunition, without production of his licence under this Act, and without a written permission for that purpose first had and obtained from the resident magistrate of the district, within which it is proposed that such delivery shall take place, or from some other person authorised to issue licences under this Act for such district, which permission shall be, as nearly as may be, in the form numbered 3 in the schedule of this Act annexed. And any person guilty of contravening any one of the provisions in this section contained shall, upon conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding seven years, or to pay a fine not exceeding 500*l*.

Governor may authorise persons to grant licences to have arms and ammunition.

Dealer in arms and ammunition need not deliver up his stock if he receive licence to retain them from proper official.

On receipt of licence in 5th section mentioned, owner of arms, &c., which have been deposited, may obtain them back.

But if six months have elapsed since deposit, appraised value only may be claimed.

After date fixed by proclamation no person not specially excepted may have arms, &c., without licence.

Punishment on conviction.

All persons not specially excepted by 4th section found carrying or having arms may be required to produce licence.

In case of non-production may be arrested.

Certain officials to search for arms, &c., without warrant, on reasonable suspicion.

Governor may revoke licence.

Effect of such revocation.

Repugnant portion of section 13 of Ordinance 2 of 1853 repealed.

Restrictions on the sale, repair, or delivery of arms without the production of licence and permit.

Punishment for contravention of this section.

sterling, and to imprisonment with or without hard labour for a period not exceeding two years, unless such fine be sooner paid.

Attorney or Solicitor-General may remit proceedings under this Act to the Resident Magistrate.

Arms deposited by unlicensed owners to be valued within six months by person appointed for that purpose. Appraised value to be paid to owner on production of receipt mentioned in 4th section.

Registers of licences and permits to be kept.

And certified copies annually transmitted to Colonial Office.

Persons authorised to issue licences may also issue permits of removal.

Effect of such permits.

Who may require the production of licences.

Definition of words "arms," "weapons," and "ammunition."

Expenses under this Act, how to be met. Short title.

13. Any proceedings which may be taken under any section of this Act, and which shall have been transmitted to the attorney-general or solicitor-general, may be remitted by the said attorney-general or solicitor-general to the resident magistrate of the district within which the offence shall have been committed, to be adjudicated upon by him under such jurisdiction as he may possess therein.

14. All such arms, weapons, bullets, cartridges, gunpowder, and other ammunition as shall have been deposited and left at the office of the resident magistrate or other place duly named for that purpose under the provisions of this Act, and which shall belong to persons who have not been licensed to have or carry the same, or whose licenses have been revoked, shall, within six calendar months from the date of such deposit, be valued by some proper, impartial, and competent person or persons to be appointed for that purpose by the resident magistrate of the district in which they shall have been so deposited, and the value fixed by such person or persons on each of such arms, weapons, bullets, cartridges, gunpowder, and other ammunition, shall be paid to the respective owners of the same or their lawful representatives, upon production of the receipt therefor in the fourth section of this Act mentioned, and upon satisfactory proof of ownership.

15. Every person authorised to issue licences and permits under this Act shall be bound to keep a register of such licences and permits, setting forth the names, addresses, and description of the persons to whom such licences and permits shall have been issued, together with the number of arms and quantity and description of ammunition represented in such licences and permits, which register shall be open for public inspection at all reasonable times, and issuers of licences and permits as aforesaid shall further be bound to transmit to the office of the Colonial Secretary, during the first month of each year, copies certified under their hands of such registries.

16. Every person authorised to issue licences under this Act shall have the power to issue permits in the form No. 4 in the schedule hereto annexed, to dealers in arms and ammunition, who shall require the same to enable them to transport arms and ammunition through the proclaimed district or area for which such person is authorised to issue licences as aforesaid: Provided, always, that every such permit shall state the number of days during which it shall be in force; and provided also, that such permit shall be of no force or effect except for the purpose of transporting the said arms and ammunition from the place mentioned in the said permit to the place therein mentioned.

17. Any person enrolled as a burgher, or serving in any yeomanry or volunteer corps as aforesaid shall be empowered without the production by him of any licence under the Act to require the production or exhibition of licences under the provisions of the ninth section of this Act.

18. The words "arms" and "weapons" in this Act shall be deemed and taken to comprise all guns, pistols, swords, bayonet, daggers, pikes, spears, assegais, and the word "ammunition" to comprise all gunpowder or other material capable of being used in the explosion of guns and pistols.

19. All costs and charges for carrying out this Act shall be paid out of such moneys as Parliament shall provide for the purpose.

20. This Act may be cited for all purposes as "The Peace Preservation Act, 1878."

SCHEDULE to which the foregoing Act refers :

1.

Form of Licence to carry and have arms in proclaimed district.

Licence to carry and have arms. Vide section 5.

I, A. B., having been duly appointed in that behalf under Act No. of 1878, intituled "The Peace Preservation Act, 1878," do hereby grant to C. D., of (here insert the name, description and place of residence), a licence to carry and have gun (or other arm or arms or ammunition as the case may be) within the district of

Dated day of 187 .

A. B.

2.

Form of Licence to dealers in arms and gunpowder to retain such articles in their possession in proclaimed districts.

Licence to dealers in arms, &c. mentioned in section 2.

I, A. B., having been duly appointed in that behalf under Act No. of 1878, intituled "The Peace Preservation Act, 1878," do hereby grant to C. D., of (here insert the name, description and place of business), a dealer in arms and gunpowder, permission to retain such arms and gunpowder in his possession for sale to persons duly licensed to purchase the same.

Dated day of 187 .

A. B.

3.

Form of licence or permission given to dealer in arms, &c., to deliver arms, &c., to a purchaser

Licence to dealers in arms, &c. mentioned in section 12.

I, A. B., having been duly appointed in that behalf under Act No. of 1878, intituled "The Peace Preservation Act, 1878," do hereby authorise C. D., of (here insert name, description, and place of business), dealer in arms, &c., to deliver to E. F. (here insert name, description, and place of residence), gun (or other arm or arms, or ammunition as the case may be) on production of his licence in that behalf under the said Act.

Dated day of 187 .

A. B.

FORM OF PERMIT TO TRANSPORT ARMS, &c.

I, A. B., having been duly appointed in that behalf under Act No. of 1878, intituled "The Peace Preservation Act," do hereby authorise C. D. of (here insert name and place of business), to transport gun (or other arm, or arms, or ammunition, as the case may be) from to

Permit of removal mentioned in section 16.

This permit to be in force for days.
Dated day of , 187

A. B.,

ATTORNEY-GENERAL'S REPORT.

Act No. 13 of 1878, entitled the "Peace Preservation Act, 1878," empowers the Governor to proclaim districts as areas within which no person shall have or carry arms or ammunition without a license unless such person be a Magistrate, Justice of the Peace, Field Cornet, or serving in Her Majesty's Forces, or enrolled in any Colonial Burgher or Volunteer Force. Every proclamation shall fix a day upon which all persons not licensed or exempted shall deposit at the office of the resident magistrate of the district all arms and ammunition in their possession. Heavy penalties are provided for infringements of the law; power to search for arms without a warrant upon reasonable suspicion is given to officers of the law; and registers of licensed persons are to be kept for reference. Arms and ammunition duly delivered up under this Act shall be appraised, and the appraised value paid to the owners. Licensed persons, burghers, yeomen, volunteers, policemen, and officers of the law are authorised to demand from persons having or carrying arms in a proclaimed district the production of their licenses, and on their failure to produce them, such persons may be taken before the nearest Justice of the Peace to be dealt with according to law. The Act has been founded upon the Irish Peace Preservation Acts which it closely follows.

Peace Preservation Act, 1878.

Act No. 16 of 1878.

ANALYSIS.

Preamble.

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| 1. Governor may assign pensions to certain persons not exceeding 70 <i>l.</i> per annum. | 2. Short title. |
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Act to provide Pensions in certain cases, for Members of the Colonial Volunteer and Colonial Yeomanry Forces, and the Widows and Families of such Members.

Assented to August 2, 1878.

WHEREAS it is desirable to make provision for granting pensions, in certain cases, to the widows and families of members of the colonial volunteer forces and the colonial yeomanry force, and in certain other cases to the members of such forces individually: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:—

Preamble.

1. It shall and may be lawful for the Governor, acting by and with the advice of the Executive Council, and subject to the approval of Parliament, to assign to the widow, widow and family, or family of any member of a volunteer corps, or of the mounted yeomanry force of this colony, respectively, who may be killed in action or during active service, and to any member of any such corps or of such force, respectively, who may receive during his service any wound or injury permanently injurious in its consequences, a pension or allowance of not exceeding seventy pounds per annum.

Governor may assign pension to certain persons not exceeding 70*l.* per annum.

2. This Act may be cited as the "Volunteer and Yeomanry Pension Act, 1878."

Short title.

ATTORNEY-GENERAL'S REPORT.

Act No. 16 of 1878, entitled the "Volunteer and Yeomanry Pension Act, 1878," empowers the Governor to assign pensions to members of these forces and their families.

Volunteer and Yeomanry Pension Act, 1878.

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FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF SOUTH AFRICA.

(In continuation of [C.--2252] of March 1879.)

Presented to both Houses of Parliament by Command of Her Majesty.
March 1879.



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